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CHRISTIAN ORIENT

An Indian Journal of Eastern Churches for Creative
Theological Thinking

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Editorial

THE PARTICULAR LAWS OF THE SYRO-MALABAR CHURCH

This issue of *Christian Orient* deals with the question of the Particular Laws of the Syro-Malabar Church. The Code of Canon Laws for the Oriental Churches is promulgated on the 18th of October, 1990 and is in force from October 1, 1991. In this common code for the Oriental Churches, there are several clauses which refer to the particular laws of each Oriental Church. These particular laws are meant to safeguard the venerable heritage and unique identity of each Oriental Church which include liturgy, spirituality, discipline, theology, traditions, administrative system etc. But the Syro-Malabar Church as an Oriental individual church has not yet formulated its particular laws. Hence there is a crisis of identity and individuality!

Why there is a crisis? Who is responsible for it? Crisis takes place when unexpected events happen and aggravate a situation. But one cannot say that the introduction of the new code for the Oriental Churches was an unexpected event. It was the outcome of a very long process in which the Syro-Malabar Church was very significantly involved. The work was started soon after the Vatican II and the late Joseph Cardinal Parecattil, Archbishop of Ernakulam who was also the President of the Syro-Malabar Bishops' Conference, was the President of the Pontifical Commission for the codification of the new code of Canon Laws for the Oriental Churches. A number of canonists from the Syro-Malabar Church including bishops, and secretary of the S.M.B.C., were involved in its consultation at various levels. Even after the finalization of the code it took some time for its promulgation. Hence we cannot say that the new code was unexpectedly and abruptly introduced.

If so what is the problem? The President, Secretary and officials of the S.M.B.C. and canonists were well aware of the importance and urgency of the particular laws. Students of canon law know that the formulation of the particular laws require a serious study of the sources. The Syro-Malabar Church which is as old as Christianity itself in the Indian soil had developed its own indigenous ecclesiastical system congenial to the authentic Oriental traditions. It was popularly known as "*The Law of Thomas*". It included their liturgical heritage, discipline, administrative system, spiritual traditions etc. This indigenous system enabled them to maintain and safeguard the unity of the Church undisturbed and unbroken for sixteen centuries. The local church under the leadership of palliyogam consisting of the clergy and laity, their national leadership under the indigenous Head Archdeacon of India and the eminently spiritual leadership safeguarding ecclesial communion with the

other churches under the Metropolitan of India were the different aspects of a unique system developed in the social, political, cultural and religious context of India. This was not a system imposed from above but grown and developed from within the concrete context of their ecclesial life.

But what happened to this system? It is lost during the Latin rule. The Portuguese reached India in the 16th century and they were wholeheartedly welcomed by the Thomas Christians as their fellow Christians from the West. Those who came to establish colonies and to claim monopoly of trade were not satisfied with ecclesial communion and friendship of the people. They built up their commercial, political and religious net-work of power structure. From 1599 to 1896 their bishops ruled over the Thomas Christians. During this period there was a systematic consistent and concerted effort to suppress the indigenous ecclesiastical set up and conform it to the Latin system. It included their liturgy, spirituality, administrative system, discipline, sacraments, sacramentals etc. In short a Church which was indigenous and united was distorted, divided and alienated which continues even today!

As the result of a long struggle the Thomas Christians got bishops of their own Church. But the clerical formation continued and to a great extent even now continues after the Latin pattern. The bishops of the Syro-Malabar Church faithfully followed and still follow that system which was imposed on her during the period of Latin rule! Very little has been done to restore the venerable patrimony of this Church. Because of the lack of awareness of the common ecclesial heritage, each bishop of the Syro-Malabar Church has almost independently formulated the diocesan statutes faithfully adhering to the Latin system, of the colonial period. In such a situation where each bishop administers his own diocese after the Latin system the formulation of the common particular laws of the Syro-Malabar Church as an Oriental Church was not a felt need at all! Now it appears very simple to them to collect and classify the existing diocesan statutes under a common title "*The Particular Laws of the Syro-Malabar Church*"! This mere *secretarial work* does not require any serious study of the authentic sources of the Church of the Thomas Christians of India. The repeated requests to appoint special commissions to study the genuine sources of this Church of apostolic origin in India did have no effect at all so far.

This new attempt to relatinize and alienate the Oriental Church of the Thomas Christians does not go in harmony with the catholicity of the Church and its venerable heritage. Such a move is quite contrary to the mind of the Catholic Church, especially of Vatican II which wants to restore, protect and promote the venerable heritage of each Oriental Church. In this matter the mind of the legislator is explicitly manifested in the introductory part of the CCEO by Pope John Paul II himself. Hence the particular laws cannot go against the mind of the legislator.

The attempt to neglect the study of the authentic sources will also be an anti-ecumenical step. Our separated brethren will be confirmed in their impression that communion with Rome will necessarily lead to latinization and the loss of Oriental identity as in the case of Syro-Malabar Church. The preoccupation and precipitous steps to have a Patriarch or Major Archbishop


without any concern for the restoration of the authentic Oriental heritage and identity will only be viewed as a mere quest for power! The Oriental Patriarchal or Major Archiepiscopal title will not suit to a leadership which disowns its Oriental identity except for its power.

At the same time, it has to be clearly pointed out that the restoration of the Oriental patrimony should not and cannot be narrowed down to liturgy alone! If the other important areas like discipline, spirituality, theology, administrative system etc. are left out it would certainly be an unwelcome development. We strongly disagree with any kind of partial, one-sided and defective view of the restoration which goes counter to the catholicity of the Church. We cannot ignore the following teaching of Vatican II: "This sacred Synod declares that the *entire heritage* of spirituality and liturgy, of discipline and theology, in their various traditions, belongs to the full catholic and apostolic character of the Church" (UR 17).

The various articles of this issue are planned as an assistance to those who desire to have the necessary guideline in the formulation of the particular Laws of the Syro-Malabar Church. I am grateful to the authors S. Vadakel, G. Appassery, Lawrence, R. Thattil, J. Koikakudy J. Thalachelloor, V. Palathingal and J. Madey for their kind co-operation and valuable contribution.

Pont. Oriental Institute of Religious Studies
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Xavier Koodapuzha
Editor



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Ecclesiological Perspectives and the Particular Laws of the Syro-Malabar Church

The ecclesiological problem of the particular laws of the Syro-Malabar Church has to be analysed in its theological, historical and juridical aspects. Hence this study is divided as follows:

- I. The context and purpose of the new legislation
- II. The individual churches and their specific ecclesial role in the catholic communion
- III. The historical background of the particular laws of the Thomas Christians
- IV. The major events in the process of latinization and the juridical alienation of the Syro-Malabar Church
- V. Conclusion

I. The Context and Purpose of the New Legislation

The long expected New Code of Canon Laws of Oriental Churches (Codex canonum ecclesiarum Orientalium=CCEO) has been promulgated on 18th October 1990 and is in force from 1st of October 1991. Similarly the new Code of Canon Law (Codex juris canonici) for the Latin Church was promulgated on the 25th of January 1983 and came into force on the first day of Advent of the same year. The promulgation of the new codes of canon law for all the churches in catholic communion was the legitimate and harmonious development of the Vatican II.

The purpose of the Council was renewal and reunion. It was announced to the world on the 25th of January 1959 in connection with the conclusion of the Church Unity Octave and the Feast of the Conversion of St. Paul. The selection of this particular occasion by Pope John XXIII

was profoundly meaningful and prophetic. As one who was present on that memorable occasion at the St. Paul's Basilica, Rome the profoundly thought-provoking words of the great pope of happy memory still echo in my mind and heart! As Pope John explained on that occasion conversion, renewal and reunion are different dimensions of the same ecclesial dynamism and life.

It is generally considered and hailed as a great achievement of Vatican II that it has rediscovered the true nature of the Catholic Church which is a communion of churches. The Catholic Church is not to be viewed as an international monarchical society of a monolithic pattern with varying degrees of subordinate structures starting from the top reaching finally the lowest organizational unit! On the contrary the local church is a perfect church and it is not a mere administrative unit of the universal Church. The local church in communion with the universal church is fully catholic

and it is not merely a part of the organizational complex of the Catholic Church.

The difference between the Western and Eastern vision of the Church may be compared to a kind of two tier and three tier systems. In the western tradition the local ecclesial reality under the bishop and the visible head the Pope form the ecclesial vision. But in Eastern tradition the local Church with the bishop, the patriarch or major Archbishop presiding over the individual church and the Pope the visible bond of communion of all the Churches within the catholic unity form a tri-dimensional ecclesial reality.

The new Oriental code which hereafter we call CCEO, follows the three tier system. The code uses the term 'sui juris' for a Church which has its own liturgy, spirituality, discipline, theology etc. "*Ritus est patrimonium liturgicum, theologicum, spirituale et disciplinare cultura ac rerum adjunctis historiae populorum distinctum, quod modo fidei vivendae uniuscuiusque ecclesiae sui juris proprio exprimitur*" (Can. 28/1). The CCEO is not the code of a particular church but a common code of twenty one sui juris churches with their own liturgical, spiritual, theological, disciplinary and other forms of heritage. The purpose of the CCEO is not to iron out the distinctive identity of each Church but to preserve and foster their identity and heritage and harmonize them. Its goal is not uniformity but unity in diversity which manifests the true catholicity of the Church.

In the official document introducing the CCEO Pope John Paul II invites our special attention on some of the major aspects of the ecclesiological vision behind the new code:

1. Need of absolute fidelity to the venerable ancestral traditions of each church (OE 2)

2. Special obligation to restore what is lost because of the various vicissitudes of history (OE 6)
3. Particular vocation of the Catholic Orientals to promote ecumenism (OE 24)
4. Unique importance of the Eastern Churches in the manifestation of the catholicity of the Church (LG 23)
5. The legitimate diversity rooted on authentic traditions has to be safeguarded and promoted (LG 13)
6. The goal of the common law to protect the identity of each Church (OE 5 & UR 16)
7. The CCEO is in full harmony with Vatican II and implementing its decisions.

In the above-mentioned introductory statement the mind and goal of the CCEO are clarified. Its ecclesial vision and emphasis have to be accepted as the guidelines for the implementation. It is equally applicable to the particular laws of each Church. The particular laws are primarily meant to protect and promote the ecclesial life of each sui juris or individual Church.

Particular Laws

As it is explicitly stated in the introductory note of the CCEO the common law is meant to be for the harmonious coordination of the various particular laws of the different sui juris churches. The purpose of the particular laws is to preserve and foster the rich heritage and unique identity of each church. The common code quite often refers to the particular laws which determine the specific life-style of a church.

The particular laws and the common laws have a mutually complementary role. The common laws

harmonize the rich diversity of the Eastern Churches and contribute to the coordination of all the churches in catholic communion. The CCEO is not a superimposition from above but norms to assist each church to be faithful to its own venerable and authentic heritage, specific identity and mission in harmony with its catholicity. In the light of the principles enunciated in the introduction of CCEO Vatican II and the other official documents the role of the Oriental Churches are the following:

II. The Individual Churches and their Role in the Catholic Communion

1. Legitimate heirs of the divine heritage

The Council teaches that Oriental Churches are witnesses of the divine tradition initiated by the apostles. As a result of the apostolic proclamation the churches came into being. The interaction between the uniqueness of the apostolic proclamation and the community which accepted it shaped a particular form of Christian life which have in course of time developed into a concrete form of ecclesial life. Hence the Vatican II teaches:

"For distinguished as they are by their venerable antiquity, they are bright with that tradition which was handed down from the apostles through the Fathers and which form part of the divinely revealed and undivided heritage of the universal Church" (OE 1).

The Catholic Church wants them to "bear living witness to this tradition" and "desires that they may flourish and execute with new apostolic vigour the task entrusted to them" (Ibidem).

2. Living Witnesses of Catholicity

There are elements of unity and diversity among the churches. They are

united in the same faith, sacraments and hierarchy. But they are different from one another in liturgy, spirituality, discipline, theology, administrative system etc. The unity in faith is celebrated in the churches through their particular liturgical forms. The same faith is explained through the different theological systems. The same faith which is lived in a particular ecclesial life-style is called spirituality. The particular form of ecclesial life safeguarded through a legal system is called the particular laws of a church. This basic nature and constitution of the Catholic Church is expressed in the Constitution *Lumen Gentium*.

"By divine providence it has come about that various churches established in diverse places by the apostles and their successors have in the course of time coalesced into several groups, organically united, which preserving the unity of faith and the divine constitution of the Universal Church, enjoy their own discipline, their own liturgical usage, and their own theological and spiritual heritage" (LG 23).

3. Sharers of the equal rights and obligation for evangelization

The Church is essentially missionary and hence evangelization is her inalienable and unavoidable fundamental obligation and right. As the Catholic Church is the communion of churches this basic right and obligation are applicable to all the churches equally. The question of the denial of this fundamental equality in the Indian context was discussed in the Council. The Council confirmed the principle of equality of all the churches for evangelization. The commentators of Vatican II have not failed to bring to the attention of the Christian world the real reason of the teaching of the Council on this question:

"The *real reason* why the right to preach the gospel that is, the right to engage in missionary activity, is especially mentioned among the rights and obligations of all the individual churches is to be traced to the situation in India, where the Malabar Church, which has a large surplus of priests, was until recently only permitted to convert people to the Latin rite" (Herbert Vorgrimler, (ed) Commentary on the Documents of Vatican II London, 1967, Vol. I, p. 315)

Other commentators of the Council documents like Walter M. Abbott and Victor Pospishil have also made similar observations on the Indian situation. The very *raison d'être* of a Church is evangelization. If this basic duty and right are not properly exercised by a church it is not worthy of its name.

4. Churches with the rights and obligations to provide adequate pastoral care

Evangelization and pastoral care are the two fundamental obligations of a Church. Those who are evangelized are made members of the Church and they have to be pastorally cared for. Hence evangelization and pastoral care can be called the two dimensions of the same obligation.

The whole ecclesiastical set up is geared to the pastoral care and mission of the Church. The clergy and bishops are appointed pastors in the Church. The sacraments and sacramentals are for pastoral care.

Every individual church has its own particular form of pastoral care. Liturgy, spirituality, discipline theology, administrative system etc., are the different pastoral dimensions of a Church. Hence the Vatican II has categorically confirmed the need and necessity of the pastoral provisions

of each church everywhere (*ubique terrarum*).

As in the question of evangelization an unjust situation prevailed for centuries in India. The catholic Thomas Christians of India were not allowed by the Latins to extend their pastoral care to the faithful outside the restricted territory between the two rivers Pampa and Bharathapuzha in Kerala. It was only recently this restriction was partly lifted!

5. Churches with the right for self-government

Self government is absolutely necessary to preserve and foster the particular heritage and identity of a Church. From the beginning the different churches developed their own governmental system. The pastoral set up of a church constitutes its governmental system. Hence the nature of the government reflects the particular nature of the Church.

The laws and the disciplinary system of a church are a kind of shell which protects and fosters the particular life-style which may be called the very kernel of a church. The government is not for its own sake. It has to be in full harmony with the genius and heritage of the community for which it is set up. From this it is clear that the hierarchical structure and the particular laws of a church should be harmoniously blended together. The particular laws of one church may not fit into the system of another church. Similarly the bishops of a particular church will not be able to give a proper ecclesial leadership in another particular church which has a specific identity of its own.

In the light of this intimate relation between the governmental system and the identity of each church the Vatican II has made the following assurance:

"For this reason, it solemnly declares that the Churches of the East as much as those of the West, fully enjoy the right, and are in duty bound, to rule themselves. Each should do so according to its proper and individual procedures, inasmuch as practices sanctioned by a noble antiquity harmonize better with the customs of the faithful and are seen as more likely to foster the good of souls" (OE 5)

In the decree on Ecumenism the Council has made a similar statement (Cfr. UR 16)

6. Churches having the right and obligation to restore and foster the liturgical heritage

The liturgy is the celebration of the faith of a Church. It is the most sublime expression of ecclesial life. As the liturgy occupies the central position in the life of a church each church has the obligation to preserve its entire heritage. This obligation is of a fundamental nature. Hence the Vatican II has given the following directive to the Orientals themselves :

"All eastern rite members should know and be convinced that they can and should always their lawful liturgical rites and their established way of life..... Easterners themselves should honour these things with the greatest fidelity. Besides they should acquire an ever greater knowledge and a more exact use of them. If they have improperly fallen away from them because of circumstances of time or personage, let them take pains to return to their ancestral ways" (OE 6).

It reveals the concern of the universal Church to keep intact, preserve and foster the rich liturgical heritage of each church. The spirituality and life-

style of a church are thoroughly influenced by its liturgy (SC 17).

7. Churches necessary for the fullness of Christian heritage

As the legitimate and authentic heirs of the apostolic heritage the different individual churches enshrine the venerable Christian heritage; they positively contribute to the building up of the Church. At the same time no individual church can make any exclusive claim over the entire Christian heritage. The decree on ecumenism of Vatican II teaches the importance of the different ecclesial traditions :

"While thanking God that many Eastern sons of the Catholic Church, who are preserving this heritage... this Synod declares that the entire heritage of spirituality and liturgy, of discipline and theology, in their various traditions belongs to the full catholic and apostolic character of the Church" (UR 17)

According to the Council the variety of the ecclesial traditions followed by the different individual churches are "different methods and approaches in understanding and proclaiming divine things". The different approaches and attempts to formulate the Christian mysteries are the different dimensions of the same faith content. Faith is multidimensional and no particular form of formulation can exhaust the full content and depth of faith. The Council points out the importance of the theological traditions of the "Eastern Churches which are deeply rooted in S. Scripture fostered and given expression in liturgical life, and nourished by the living tradition of the apostles and by the writings of the Fathers and spiritual authors of the East" (Ibidem).

Hence the particular forms of ecclesial life developed and followed

in the different churches are authentic expressions of Christian faith. According to Vatican II the discipline of each church is better suited to the temperament of their faithful and better adapted to foster the good of souls”.

These ecclesiological aspects are of great importance and hence they have to be accepted as the guidelines in the formulations of the particular laws of the churches. Any attempt to undermine their importance or neglect the study of its authentic sources will be a lack of fidelity to the genuine sources of Christian faith.

8. Churches with a special ecumenical Vocation

The churches have a special obligation to promote ecumenism. At present the Church of Christ is a divided reality, which is explicitly against the will of Christ. Unity in the bond of charity is the prescribed identity of the followers of Christ. The churches have to follow this path and they are true to their Christian vocation to that extent they remain faithful to this basic demand of Christ from His disciples.

As the legitimate heirs of the authentic ecclesial traditions the churches have to be faithful to the ecclesial reality and traditions of their own church and open to the other churches. The Eastern Churches have a special obligation “to promote ecumenism by the example of their lives, by religious fidelity to ancient Eastern traditions, by greater mutual knowledge, by collaboration, and by a brotherly regard for objects and attitudes” (OE 24).

The Decree on Ecumenism confirms the need to follow the traditions and discipline proper to each church

with a special emphasis on the Orientals. They have the right and obligation to rule themselves according to their own disciplinary traditions. (UR 16).

III. Historical Background of the Particular laws of the Thomas Christians

The purpose of the juridical structure of an individual church is to sustain, consolidate, strengthen and promote its authentic form of ecclesial life and dynamism in harmony with its identity and venerable heritage. The laws are for the building up of the Church. As we have already seen in the first part each individual church has its own particular identity and ecclesial heritage which are expressed through its own liturgy, spirituality, theology, discipline etc. In this third part we have to study the historical vicissitudes of the Thomas Christians of India and how far they were able to preserve and foster their specific ecclesial heritage.

Their juridical history can be divided into four parts:

1. Upto the sixteenth century-period of Chaldean connection
2. Upto the Synod of Diamper in 1599-period of Portuguese influence
3. Upto 1896 : period of latin rule of Padroado and Propaganda jurisdiction
4. Upto 1992 : Period of Indigenous Oriental Bishops

1. Upto the sixteenth century

As students of history one has to admit that we do not possess all the necessary documents to give a comprehensive and detailed picture of the ecclesiastical set up of this period. The absence of documents are due to various factors. It may be noted that even in the field of political history

of Kerala this problem is very keenly felt. At the same time we have some clear evidences of the existence of the traditional form of ecclesiastical system at the beginning of the 16th century, before the Thomas Christians came under the Portuguese rule. Their particular way of life popularly known as "The Law of Thomas" could maintain the unity and harmony of this church upto that period.

The Portuguese missionaries have pointed out the contrast between the Western ecclesiastical system and the set up of the Thomas Christians. Their observations of these differences are very helpful to understand the historical and juridical background of the Thomas Christians. There are documents available from the Indian and foreign sources.¹

During the pre-sixteenth century period the sum total of the ecclesiastical life-style of the Thomas Christians was generally known as '*Thomayude Margam*' (Law of Thomas)² Placid J. Podipara states that the Thomas Christians of the pre-sixteenth century were "Indian in culture, Christian in religion, and Oriental in Worship." They formed part of the East Syrian liturgical family which was the common heritage and bond of all the churches of St. Thomas tradition. They were hierarchically associated with the East Syrian Patriarchate. But this hierarchical alliance did not stand in the way of their administrative autonomy.

At the parish level the assembly of the parishioners known as *palliyogam*

which was presided over by the priests of the parish, discussed and took decisions in all matters of common interest.³ The common administrative head of the Thomas Christians was the *Archdeacon*. He was known as the head of the community (Jathikku karthavvian).⁴ Even when there were more bishops they did have only one archdeacon who officially represented the whole community. Their bishops devoted themselves fully to the spiritual care of their flock. They were teaching S. Scripture and writings of the Fathers, observing fasts spending long hours in prayer, ordaining candidates for ecclesiastical ministries and above all projecting an eminently spiritual image to the entire community. They were ordaining only those candidates who were approved by the *palliyogam* and recommended by the archdeacon. Hence the bishops were held in high esteem. As the worthy stewards of the mysteries of God they were faithful to the tradition set by the apostles (Acts 6:1-6).

The Indian mind is generally attuned to esteem and respect saints, sages and spiritual men, and are unable to appreciate the unhealthy alliance between the spiritual leadership and temporal administration. In the secular point of view administrative authority is attractive and rewarding. Imposition of one's will on others gives an emotional satisfaction. But in the Christian point of view the attempt to give a religious and spiritual colour to purely secular and personal aspirations and ambitions, is odious, repugnant and detesting.

1. Jesuit Archives Rome, Goa-Mal. Vol. 13, ff. 223, 225.

2. Archive of S. Congr. Prop. Fide, Congregazione Particolari, Vol. 109, f 90.

3. Paulino De Bartholomeo, *Viaggio alle Indie Orientali* Rome, 1796, pp. 136-39; Koodapuzha X. *Ecclesiology of the Thomans Christians*, in *Ecclesial Identity of the Thomas Christians*, (ed) Kottayam, 1985, pp. 87-88.

4. This MS document is in the possession of Pothanicatt family, Kothamangalam.

In the history of the churches we come across plenty of events in which the ecclesiastical leadership played a purely secular role with a religious garb. This unhealthy alliance causes reaction. The history of the Thomas Christians from the 16th century teaches us this lesson. As the community becomes more enlightened the reaction also becomes all the more intense.

2. From the arrival of the Portuguese upto the Synod of Diamper in 1599

The Portuguese navigators reached the Malabar coast in 1498. The discovery of the sources of pepper and other spices and the contact with a powerful Christian population were causes of great joy for the Portuguese. On the other side the Thomas Christians were very happy to welcome their fellow Christians from the West. The initial relations were very cordial.

Gradually the Portuguese established themselves by conquering Goa in 1510 and making exclusive claims over the sea passage in the Arabian sea. The padroado diocese of Goa was established in Goa in 1534 and Cochin in 1558. As they gained control along the coastal regions they began to make claims even on the Thomas Christians whose hierarchical set up was as old as Christianity in the Indian soil. Some of the missionaries even dared to question the validity of the sacraments administered according to their eastern liturgy and exert pressure on them to conform to the latin liturgical practices.⁵ At the pressure of the Portuguese their

bishops began to make changes in their liturgical traditions by introducing some of the latin practices. The details will be given in the following section. Their bishops Mar Joseph and Mar Abraham were imprisoned at Goa and were given instructions and training to follow the latin practices.⁶

Fra Vincent Lagos, a Franciscan, started a seminary at Cranganore for the St. Thomas Christians where they were given training only according to the latin traditions.⁷ A synod was convened at Angamaly in 1583 in which along with the clergy of Angamaly the Jesuit priests of the Vaipicotta Seminary also participated. It was aimed at conforming the liturgical and disciplinary system to that of the Latin Church.

Meanwhile Goan Councils were held in 1567, 1575, 1585 and 1592. The bishops of the Thomas Christians also began to be invited to the Provincial Councils of Goa. But they declined the request as they did not belong to the Goan Province. Finally at the request of Pope Gregory XIII Mar Abraham participated in the 3rd Goan Council of 1585.⁸ But the third session of the Council passed decrees to latinize the Church of the Thomas Christians and to bring them under the Portuguese padroado. The reluctance of Mar Abraham to implement these suicidal decisions interpreted as lack of fidelity to the Goan Council and the Church! For the Portuguese the catholicity of the Church was in proportion to the conformity with the practices of the Latin Church! This policy of latinization reached its climax

5. Koodapuzha X. Bharathasabhacharithram, ed. 2, Kottayam, 1989, p. 239. Cfr. Mundadan M., St. Thomas Christians, 1498-1552, Bangalore, 1967, p. 93.

6. Bullarium Patronatus Portugalliae, Appendix, p. 300; Cfr. Koodapuzha X. Faith and Communion of the Indian Church of the Thomas Christians, Kottayam, 1982, pp. 131-32.

7. Cfr. Mundadan M., op. cit. pp. 128-144; Koodapuzha X. Bharatha.. pp 246-50.

8. X. Koodapuzha, Ibidem, pp. 269-70.

in 1599 when the Portuguese Goan archbishop of Goa convened a Synod at Diamper and took decisions affecting the liturgy, discipline, spirituality, theology, administration, sacramental system etc.⁹ It was meant to conform the Thomas Christians fully to the Latin Church. Researches have already proved that this synod was invalid because of the lack of authority of the person who convened it, lack of form in conducting it, lack of integrity of the text and lack of proper ecclesiastical approval.¹⁰ But the harm it has done to an ancient Oriental Church does remain even now unrepaired!

3. From Diamper to 1896

These three centuries of Latin rule over the Thomas Christians was a period of tensions and divisions among them. The ancient Oriental Church of India was ruled over by bishops belonging to the *Padroado* and *Propaganda* jurisdictions. Finally they were given bishops of their own Church in 1896.

Immediately after the Synod of Diamper a Latin Jesuit Francis Roz S.J. who had been delegated to enforce the decrees of the 3rd Goan Council, was appointed bishop of the Thomas Christians. The ancient Metropolitan see of Angamaly was suppressed and made a suffragan diocese of the new archdiocese of Goa! On the 20th December 1599 the *padroado* of the king of Portugal was extended over the Thomas Christians. Though the Metropolitan

see was restored in 1608 it continued to be under the *padroado*.¹¹

For two hundred and ninety seven years the bishops of the Thomas Christians were being forced by their bishops to follow the customs of the Latin Church while the community under them were not prepared to part with their Law of Thomas.¹² This strange and strained situation gave way to protests and revolts causing divisions in the community.¹³ In 1653 the Thomas Christians under their indigenous leader the Archdeacon gathered at Mattancherry near Cochin and took an oath that they would not at any cost obey the Jesuit archbishop Francis Garcia.¹⁴ Rome came to know of this revolt and an enquiry was conducted through the Carmelite commissaries. It was reported that the harsh policy of the Jesuits was largely responsible for the crisis and in order to appease the Thomas Christians Rome sent bishop Joseph Sebastiani of the Carmelite Order as the Vicar Apostolic of Malabar, under the jurisdiction of the Congregation of Propaganda Fide.¹⁵

The Thomas Christians were thus divided into two latin jurisdictions under the *padroado* and *Propaganda*. This is known as the double regime of their church. The relation between these two jurisdictions of the Latin rite was far from cordial. A section of the Thomas Christians was not prepared to accept any of these two Latin jurisdictions and they welcomed a Jacobite bishop from Antioch. This

9. Jonas Thaliath, The Synod of Diamper, Rome, 1958.

10. Ibidem, p. 172.

11. P. J. Podipara, The Thomas Christians, London-Bombay, 1970, p. 147.

12. P. J. Podipara, The Canonical Sources of the Syro-Malabar Church, ed. by X. Koodapuzha, Kottayam, 1986, pp. 119-20.

13. Koodapuzha X., Bharatha..., p. 14.

14. Kollaparampil J., The St. Thomas Christians' Revolution in 1653, Kottayam, 1981; Thekkedathu J. The Troubled Days of Francis Garcia, Rome, 1972.

15. Podipara P. J., The Thomas...p. 154.

event marks the beginning of the Antiochian Jacobite tradition in India.

The divisions within the community were not on the basis of any doctrinal conflict. It was a struggle to preserve their ecclesial heritage. Many of those who stood for this legitimate aspiration of the community were considered rebels!¹⁶ But because of the complex situation it ended up in disastrous divisions. In the 18th century there were some attempts to restore the unity of the community.¹⁷ Mar Dionysius I the Jacobite Prelate requested the cooperation of the Padroado and Propaganda bishops for reunion. But they were not prepared to welcome him or any indigenous bishop. Subsequently a delegation was sent to the head quarters of Padroado and Propaganda with the request of the Jacobite Prelate. It was led by Frs. Joseph Cariattil and Thomas Paremmakkal.¹⁸ It was opposed by the latin missionaries and their bishops working in India. But despite all these obstacles Fr. Joseph Cariattil was made padroado archbishop of Cranganore. It is to be noted that he was asked to follow the Latin rite!¹⁹ He was authorized to welcome the Jacobite Prelate in consultation with the Goan archbishop. On his way back from Portugal he visited the Goan archbishop at Goa, where to

the shock of all, archbishop Cariattil breathed his last on September 9, 1786.

Though the Thomas Christians came under the temporary administration of Thomas Paremmakkal as administrator the episcopal leadership was again taken over by the Latin bishops. The double jurisdiction continued upto 1838 when Pope Gregory XVI suppressed the padroado²⁰ and for some time they came exclusively under the Propaganda jurisdiction. The suppression of their traditional Metropolitan see of Cranganore paved the way for granting the titular archiepiscopal title in 1840 to their bishop at Verapoly of the propaganda jurisdiction²¹.

The Thomas Christians were not at all happy to continue under the Latin bishops and they took a daring step to send a delegation to the Catholic Chaldean Patriarch for getting a bishop of their own rite. At their request Mar Rokos reached Malabar in 1861 and Mar Mellus in 1874²². It was a stormy period in all respects. Rome did not approve the Chaldean intervention. Needless to say that the Propaganda and Padroado prelates were also not prepared to part with their jurisdictions over the Thomas Christians. The arrival of the Chaldean

16. Podipara P. J., *The Canonical*...p. 82.

17. Ibidem p. 94; Kollaparampil J. "Mar Dionysius the Great of Malabar for the One True Fold," in *Orientalia Christiana Periodica*. Roma, 1964, pp. 148f.

18. Paremmakkal Thomma Kathanar, *Varthamanapusthakam* (Malayalam), Athirampuzha, 1936.

19. Vatican Archives, *Acta Camerari Sacri Collegii S. R. E. Cardinalium*, 39, f. 238.

20. Decree 'Multa Praeclare' of Gregory XVI, 1838.

21. "Thus in 1849 "insistentibus Catholicis Syro-Malabaressibus" the then Vicar Apostolic was made titular archbishop in consideration of also his merits" Placid J. Podipara, *The Canonical sources of the Syro-Malabar Church*, Kottayam, 1986, p. 97; *Analecta*, OCD, 1938, p. 295.

22. Podipara P. J., *The Canonical*... pp. 99-100.

Prelates led to internal divisions. There was a concerted movement to get bishops of their own rite. Some of the religious who put their signatures in the request to the Holy See for getting bishops of their own church were expelled from their congregations by the bishop of Verapoly. They are known in history as the "Seven Dolours" of the Syro-Malabar Church²³. The movement became irresistible and finally the Thomas Christians were separated from the Latins and two Vicariates of Trichur and Kottayam were set up for them. After a few years in 1896 the two Vicariates were reorganized into three and were given indigenous bishops of their own rite. The three Vicariates are Trichur, Changanacherry and Ernakulam.

4. The Syro-Malabar Church under indigenous Bishops

The Vicariates of the Syro-Malabar Church was hierarchically established in 1923. But the territorial restrictions to Kerala within the narrow territory between the two rivers Pampa in the South and Bharathapuzha in the North continued upto the establishment of the diocese of Tellicherry in 1953. The Vatican II and the acceptance of the principle of the communion of churches and their equality instilled a new dynamism in the Syro-Malabar Church.

But during the pre-Vatican period because of the territorial restrictions many Syro-Malabar missionaries had to give up their oriental heritage and join the Latin dioceses. It is to be noted that the majority of the missionaries of India i. e. nearly 65% are from the Syro-Malabar Church.

In the second half of the 20th century there was a definite improvement in the Indian situation. The number of the Syro-Malabar dioceses in Kerala rose from four to twelve, and nine new dioceses were erected for them outside Kerala²⁴. Moreover, the territories of some of the Syro-Malabar dioceses were extended to areas in Tamilnadu and Karnataka. In this context one cannot forget the role of the late Eugene Cardinal Tisserant and Fr. Placid J. Podipara whose studies and leadership have instilled and inspired a new ecclesial awareness and oriental identity which did enable the Syro-Malabarians to take up greater missionary responsibilities and recover their long suppressed ecclesial heritage.

But one cannot ignore the obstacles which stand in the way of this recovery. It is a fact of history that the successes and failures of a community largely depend on its leadership. It is quite true with the Syro-Malabar Church. Though this Church did succeed to get indigenous bishops in 1896 the clerical formation was continued exclusively under the foreign missionaries of the Latin rite. They were trained at Alwaye under the Carmelites (OCD) and at Kandy, Mangalore, Pune and Trichinopoly under the Jesuits. This strange situation was partly changed with the establishment of the St. Thomas Apostolic Seminary, Vadavathoor in 1962. It has to be gratefully remembered that it was under the initiative of the Congregation for the Oriental Churches that this Oriental Seminary was erected. It grew rapidly and the autonomous Theological Faculty known as Paurastya Vidyapitham was erected in 1982²⁵.

23. Koodapuzha X., Bharatha... pp. 476-85.

24. Ibidem, pp. 523-25.

25. It was established on 3rd July 1982. For details Koodapuzha X. Bharatha... pp. 545.

The St. Thomas Apostolic Seminary was started to impart an authentic ecclesial formation according to the genuine oriental heritage of the Syro-Malabar Church. Because of the long centuries of alienation from one's own ecclesial heritage it is not an easy task to restore and reestablish authentic ecclesial heritage. It is a fact that the Syro-Malabar hierarchy wanted to appoint a Belgian Jesuit of the Latin rite as the Rector of this Oriental Seminary.²⁶ Because of the timely intervention of Rome this did not take place. But this reveals the nature of the hierarchical leadership and their vision of ecclesial and clerical formation! An alienated community and its leadership are shy of their venerable ecclesial identity and turn to others for leadership. It is in this strange context that we have a prophetic role to play and follow the guidelines given by the Vatican II and the Holy See and formulate the particular laws which should necessarily project the true image of the Church of the Thomas Christians of India.

IV: Major Events in the Process of Latinization and Juridical Alienation of the Syro Malabar Church

The latinization process of the Thomas Christians was a planned, continued and consistent policy of the Padroado and Propaganda missio-

naries. It was extended to their whole ecclesial life i. e. liturgy, discipline, spirituality, clerical formation, theology, administration, sacraments, sacramentals, devotions, church architecture etc. We give here only the major events in this process.

A. 16th Century

1. Introduction of the Latin form of the sacrament of confession including the latin formula of absolution²⁷
2. In contrast with the indigenous Malpanate system a seminary started at Cranganore in 1541 by the Franciscans to impart clerical formation to the Thomas Christians fully according to the Latin tradition²⁸
3. The lent begun on Ash Wednesday according to the Latin custom²⁹
4. The Thomas Christians influenced by the Franciscans to use fish, egg, liquor etc during lent³⁰
5. Introduction of the Latin liturgical vestments among the Thomas Christians³¹
6. Administration of the sacraments of baptism and confirmation according to the Latin practice³²
7. Introduction of unleavened bread for Holy Qurbana³³

26. Ibidem, p. 542.

27. Ferroli D. Jesuits in Malabar, Vol. I, Bangalore, 1939, p. 153.

28. Podipara P. J. The Thomas... p. 125

29. Andrews Thazhatu, The Juridical Sources of the Syro-Malabar Church, Kottayam, 1987, p. 114. Hereafter its abbreviation is: ATJS.

30. Ibidem pp. 114-15.

31. ATJS p. 115

32. Ferroli D. op. cit. p. 153.

33. Thekkedathu J. History of Christianity in India, Vol. II Bangalore, 1982, p. 43. Podipara P. J. The Thomas... p. 130.

8. Anointing of the sick after the Latin pattern³⁴
 9. The First synod of Angamaly in 1583 convened at the instigation of the Jesuits with the goal of latinizing the Thomas Christians³⁵
 10. Goan synods of 1567, 1575, 1585 & 1592 conducted with the intention of conforming the Thomas Christians to the Latin customs.³⁶ Mar Abraham, the bishop of the Thomas Christians was asked by the Pope Gregory XIII to take part in the 3rd Goan Council of 1585.
 11. The Goan Council of 1585. Ten canons for the Thomas Christians regarding the introduction of Latin practices in liturgy, sacraments, mutilation of liturgical texts and of the Liturgy of the Hours, rituals etc. Decisions against the oriental traditions of optional celibacy and communion in two species³⁷
 12. A Seminary started at Vaipicotta in 1587 by the Jesuits with the goal of conforming the Thomas Christians to the Latin customs³⁸
 13. The fidelity to the Law of Thomas accused as lack of fidelity to the Catholic Church³⁹
 14. Mar Joseph and Mar Abraham asked to ordain the seminarians who were not given any clerical formation according to the Oriental tradition⁴⁰
 15. The Synod of Diamper convened by the Goan archbishop Alexis de Menezes with the aim of latinizing the Thomas Christians thoroughly⁴¹
- The decrees of the synod of Diamper are divided into nine Acts (Accão).⁴² These decrees deal with the entire ecclesiastical system of the Thomas Christians. They are the following:
1. Introduction and regulations of the synod.
 2. Profession of Faith
 3. Main doctrines of Christian Faith (All these decrees were formulated using medieval scholastic theology)
 4. Baptism and Confirmation (according to the Oriental tradition these two sacraments were administered together by the priests)
 5. Eucharist and Holy Mass (Oriental customs, practices and ceremonies were condemned and latin practices enforced)
 6. Penance and Anointing of the sick (Latin practices enforced)

34. ATJS p. 115

35. Placid J. Podipara, *The Canonical Sources of the Syro-Malabar Church*, Kottayam, 1986, p. 59; Its abbreviation is hereafter=PPCS

36. PPCS p. 70; ATJS pp. 126-29.

37. P. J. Podipara, *The Thomas...* p. 132; Koodapuzha X., *Bharath...* pp. 269-70.

38. P. J. Podipara, *The Thomas...* p. 131; Koodapuzha X. *Bharatha...* p. 268

39. Hausher I., *De erroribus Nestorianorum...* by Francis Roz, OC, Vol XI, No. 40, Rome, 1928.

40. Koodapuzha X., *Bharatha...* p. 259.

41. P. J. Podipara, *The Thomas...* pp. 138-40.

42. Jonas Thaliath, *The Synod of Diamper*, Rome, 1958, pp. 219-228.

7. Holy Orders and Matrimony (The Latin Minor Orders and Major Orders, tonsure, obligatory celibacy etc. were enforced)
8. Reformation and Church Administration (Latin administrative system of the parish and diocese and other customs were introduced as such. Many local customs were suppressed) (Celebration of Onam was also forbidden!)
9. Reform of customs (The patronage of the king of Portugal was extended and methods and means were adopted to popularize the decisions of the synod).

B. Period of Latin Rule 1599 - 1896

It was a period of colonialism which was extended not only in the political field but also in the religious field. Except the bishop the entire clergy and the people were Orientals and Indian while the bishops were Europeans of the Latin rite. The bishops who were the legislators of this period wanted to conform the Thomas Christians to the customs and traditions of the Latin rite. It started with bishop Francis Roz S. J. who was the first Latin bishop to rule over them.

1. Bishop Roz was convinced of the invalidity of the Synod of Diamper and wanted to introduce a disciplinary system after the latin pattern. With this end in view he convened a Synod at Angamaly in 1603 and 1606 published a complete collection of canons known as the Statutes of Bishop Roz

(Rozian Statute). It was on May 16 (Edavam) 1606 with the title "*Tukasa d' Mar' Ita Tomayta d' Hendo*" (Ordinances for the Thomite flock of India)". It is divided into four books or parts.⁴³

1. Book I: On matters of faith with six chapters
2. Book II: On sacraments with 16 chapters; the latin sacramentary, disciplinary and liturgical system with all their details is prescribed here.
3. Book III: On the sacraments of Anointing of the sick, Holy Orders and Matrimony. In addition it deals with the Holy charism
4. Book IV: On clerical life and activities with 15 chapters
2. Rules for the priests of the indigenous Congregation of St Thomas the Apostle. It consists of 30 rules. This community was known as "*The Recollects of Edapally*" But it was suppressed.⁴⁴
3. Decision of Bishop Britto in 1627 to suppress the indigenous Malpanate system and to introduce the seminary system according to the western tradition.⁴⁵
4. Decision of archbishop Francis Garcia in 1645 to appoint Vicar General in the place of the archdeacon.⁴⁶
5. The decisions of the Angamaly Yogam dated August 20, 1773: The Apostolic Visitor Lawrence

43. PPCS pp. 110-113; The statutes Malayalam title is "Namute Malankara Mar Thoma Sreehate Edavakete Kalpanakal".

44. P. J. Podipara, The Thomas... p. 150.

45. ATJS p. 167.

46. ATJS p. 170, foot note 77: ARSI, Goa-Mal. Vol. 50, f. 112.

- Justinian OCD agrees to the representatives of 72 *palliyogams* to follow the principles of justice in the ecclesiastical administration.⁴⁷
6. The documents of the Propaganda Fide regarding the norms of the Seminary at Verapoly dated 22nd July 1774, and of 6th August 1774.⁴⁸
 7. The Angamaly Padiyola approved by the yogam at Angamaly in February 1787.⁴⁹
 8. The constitution *Romani Pontifices* of Pope Pius IX of 6th January 1862 establishing a special section for the affairs of the Oriental Churches.⁵⁰
 9. Suppression of Padroado with the document '*Multa Praeclare*' of Gregory XVI dated April 24, 1838 and its restoration.⁵¹
 10. Verapoly Conference of 1862 (12-22nd September) and decisions regarding faith, discipline, matrimonial impediments, administration etc.⁵²
 11. Prohibition of books especially *Varthamanapusthakam* by the Propaganda Archbishop Baccinelli dated March 12, 1864.⁵³
 12. Canonical erection of the Third Order of Discalced Carmelites (TOCD) at Mannanam on 8th December 1855⁵⁴
 13. Erection of the common Seminary under the Carmelites (OCD) at Puthenpally on 15th August 1866 and the suppression of the traditional system of the Malpanates.⁵⁵
 14. The Statutes and Decrees of Verapoly by Archbishop Leonard Mellano and attempts for a complete latinization. It deals with the following topics: 1. Faith 2. Sacraments 3. Sacramentals 4. Clerical discipline 5. On the laity 6. Administration of temporalities⁵⁶
 15. Erection of the Syro-Malabar Vicariates of Trichur and Kottayam by the document *Quod Jam Pridem* of Pope Leo XIII dated May 20, 1887⁵⁷
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47. PPCS, p. 88 foot note No. 11: Report of Lawrence Justiniani, Archives the Sacred Propaganda Congregation, Rome, *Scritti referitti nel Congr.* 1774-75, Vol. 34; *Analecta OCD, Romae*, 1938, p. 163.
48. ATJS p. 188 Foot Note 152.
49. P. J. Podipara, *The Thomas...* pp. 175-76.
50. ATJS p. 199 Foot Note No. 6.
51. ATJS p. 201, Foot Note No. 16.
52. ATJS p. 209, Foot Note No. 48; APF, *Acta* Vol. 218 (1854) f. 31, n. 8.
53. ATJS p. 211 Foot Note No. 59: Thrippunithura Church Archives, Bishop's Letters, No. 5.
54. P. J. Podipara, *The Thoma...* p. 185, ; It was first called "Servants of the Immaculate Mother of Mount Carmel" and later "tertiary Discalced Carmelite Order = TOCD; Now it is called "Carmelites of Mary Immaculate" = CMI.
55. PPCS p. 105.
56. Pananthanam Martin, *The Canonical Reforms of Leonard Mellano*, (Doctoral Thesis-unpublished), Rome, 1976; Latin customs, practices, devotions, discipline, administration, sacramentals etc. are enforced by these statutes.

16. Circular of Vicar Apostolic A. Medlycott on 15th October 1889 and norms regarding the ministry of priests⁵⁸
17. The Diocesan Synod held at Changanacherry in 1888 convoked⁵⁹ by the Vicar Apostolic Charles Lavigne. Its decision against the ecumenical movement known as Jathiakya Sangham under the leadership of the Jacobites and Catholics. There were decisions regarding Fasts, Feasts, customs etc.

C. Under indigenous Prelates 1896-1992

The two Vicariates of Trichur and Kottayam were reorganized and the Vicariates of Changanacherry, Trichur and Ernakulam were erected, and indigenous oriental bishops were appointed. The people and the clergy fought for centuries to regain their own ecclesial heritage and finally they did succeed to get bishops of their own Church and entrusted the leadership to their bishops.

1. The Book of Decrees published by Mar Mathew Mackil of Changanacherry. It is mainly a collection of the previous canons and decisions introduced by the Latin bishops. Its main sources are the following:
 1. The statutes of Leonard Mellano
 2. The regulations published by Bishop Charles Lavigne

3. Pastoral letter of Bishop Lavigne regarding Vicars Forane.⁶⁰
2. The archdioceses of Changanacherry and Ernakulam and the diocese of the Syro-Malabar Church have published statutes. But these statutes have almost faithfully followed the juridical set up which was introduced here during the Latin period.

V. Conclusion

We have been analysing the ecclesiological, historical and juridical background of the prospective particular laws of the Syro-Malabar Church. The ecclesiological principles provide the solid foundation on which the particular laws of every Church should be based. The particular laws are for protecting and promoting the venerable heritage and specific identity of each individual Church.

Hence the codification of the particular laws of the Syro-Malabar Church should be based on her authentic traditions and identity rooted on the '*Law of Thomas*' with its specific features which did succeed to maintain her identity and unity for sixteen centuries. No other foundation can be a substitute. This basis is neither dead nor blind but alive, inspiring, and always open to the reality with an evangelical dynamism. This inspiration is in proportion to the in-depth understanding of this unavoidable and

57. Vithayathil Varkey, *The Origin and Progress of the Syro-Malabar Hierarchy*, Kottayam, 1980, pp. 112-13; Koodapuzha X., *Bharatha...* p. 505.

58. ATJS p. 243.

59. P. J. Sebastian, (ed) *Nālāgamam of Father Palakunnel*, (Malayalam) Changanacherry, 1972, pp. 288-293; Koodapuzha X., *Bharatha...* pp. 508-510.

60. ATJS pp. 251-254. Though he was one of the three indigenous bishops he was trying to copy and enforce the Latin discipline and traditions.

inevitable basis. Any super-structure outside this inalienable and unshakable foundation is bound to fall into pieces.

The CCEO provides the common principles for the Oriental Churches leaving room for the particular laws to play their role in each church. In this context the Syro-Malabar Church has to make serious efforts to discover her authentic sources through in-depth studies. This study is unavoidable and inevitable for giving shape to their particular laws. It cannot and should not be a reproduction of the existing alienated system either imposed by or borrowed from outside.

Students of ecclesiology and Church History cannot fail to notice the symptoms of a serious sickness of the Syro-Malabar Church which is the result of its alienation for centuries. The concern of its the Petrine ministry of Rome manifested in the second half of this 20th century in restoring the venerable liturgical heritage of this Church is commendable. But the resistance and opposition from a section of the latinized leadership and the tendency of some others to restrict the restoration only to the field of liturgy leaving the other areas as discipline, theology, spirituality, administration etc. as such and the vain hope of some others to give up the entire ecclesial patrimony and shape a new artificial identity under the pretext of 'inculturation' or 'indianization' are only some of the symptoms of an alienated leadership uprooted from their own authentic ecclesial sources. The crisis of identity of the leadership is evident at all levels! The Religious Congregations are no exceptions to this fact.

The three centuries of Latin rule over the Thomas Christians with the explicit knowledge and approval of

Rome and the continuation of a neo-colonial set up under indigenous bishops are largely responsible for this crisis of identity in the Syro-Malabar Church. Hence this present crisis cannot be solved easily by some general directives or occasional instructions from Rome. It has to be a consistent and concerted effort from the part of Rome to reinstate what was destroyed with their knowledge. There is no other substitute for this unique leadership which has to be a grave concern of the Petrine ministry in the universal Church.

A certain preoccupation of a section of the Syro-Malabar leadership to have the hierarchical completion with the appointment of a Major Archbishop or Patriarch without any interest in restoring her authentic ecclesial and eastern identity, is another symptom of worldliness.

The canonical structures are for protecting and promoting the ecclesial content. It is like a shell to protect the kernel. Where there is no kernel the shell is unnecessary. Let the Syro-Malabar Church restore and reestablish her ecclesial kernel first and then this Church will necessarily feel the need of the juridical structures for protecting it. Without an authentic ecclesial kernel an oriental juridical shell is unnecessary!

Moreover, the Syro-Malabar Church cannot forget her ecumenical role, with which the formulation of her particular laws is intimately linked. All the disastrous divisions of this Church of The Thomas Christians did take place during the Latin rule. The Syro-Malabar Church has many things in common with our other Oriental Churches of the same St Thomas tradition. If the particular laws of the Syro-Malabar Church are formulated basing on the present juridical sources most of which were introduced by

the Latin bishops who ruled over this Oriental Church, it will only widen the gap that exists between our Churches. Moreover, it will be a scandalous example to the accusation that a church cannot remain genuinely Oriental within the Roman communion. Let me conclude this study with the explicit teaching of Vatican II which is of great importance in this context:

“The Eastern Churches in communion with Rome have a special role to play in promoting the unity of all Christians...first of all by

prayer, then by the example of their lives, by religious fidelity to the ancient Eastern traditions, by greater mutual knowledge, by collaboration, and by a brotherly regard for objects and attitudes” (OE 24).

Let the particular Law of the Syro-Malabar Church be a common solid basis for all the Churches of the same tradition and an ever inspiring source of unity and ecclesial identity without which this individual Church will not be able to be true to herself and contribute her share to the Catholic Church as a whole.

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Juridical Sources of Particular Law of the Syro-Malabar Church

Introduction

The Syro-Malabar Church is an apostolic and 'autonomous' ('sui juris') Church of the Chaldean tradition, one of the 5 Oriental ecclesial traditions, approved by the Roman Pontiff in the new oriental code.¹ Its canonical sources are to be studied well to form its particular law for preserving its identity, heritage and patrimony (OE 2 & 6).

The Mar Thoma Nazranis (Christians of St Thomas) in India had ecclesial relations with the Persian (Chaldean) Church; the East Syriac disciplinary sources² had great influence on the Thoma Margam (Law of Thomas) of the Nazranis in India until 17th century. The Synod of Diamper (3/7 decree), denied the law of Thomas, or of Peter, but admitted only the law of Christ, followed by the Holy Roman Catholic Church and the Pope. The historical vicissitudes affected the Nazrani Margam and reduced it to the Syro-Malabar Church in the present juridical and liturgical situation. "After Diamper the Syrians

had a discipline so similar to that of the Latins, that little care seemed to have been taken to draw up special laws for them"³

Part I Historical Background

Mar Thoma Sliha taught the Nazrani Margam (Jn 14: 6) in Hendo (Hindu-India) ca 50-72 A. D. He was martyred at Mailapur in Tamil Nadu. As Buddha's Margam was known Bauddha Margam, so the Margam (Acts 9:2; 19:9 & 23; 22:4) preached by the Apostle Thomas was called Thoma Margam.⁴ It meant the total ecclesial, liturgical, religious and spiritual life of the Nazrani,⁵ follower of Jesus of Nazareth. Aramaya ascetical life was reflected in Syrian monastic life to follow Christ in praying, preaching and working.

Relation between Persian and Indian Churches

Bishop John of Persia and Greater India took part in Nicea I in 325; its

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1. CCEO 28 = Codex Canonum Ecclesiarum Orientalium, can. 28, in AAS 82 (1990), p. 1060.
 2. T-JS = A. Thazhath, Juridical Sources of the Syro-Malabar Church Ktm 1987, pp. 107; 64-72.
 3. T-ECI = Tisserant, Eastern Christianity in India, Bombay 195, p. 171.
 4. T-JS 8-12; for details pp. 12-63.
 5. Nazrani from Nazrenos = Nazrene, was the ridiculous name given by the Jews of Jerusalem to the followers of Jesus of Nazareth. Disciples of Jesus were called Christians by the pagans of Antioch (Acts 11:26).

can. 6 approved the existing prerogatives of Metropolitan Bishops of Rome, Alexandria, Antioch, and others. Cosmas Indicopleustes writes in his *Christian Topography*, that in Socotora and Sri Lanka there are priests and deacons, ordained in Persia, and a bishop in Kalyana, appointed and sent from Persia.⁶ Episcopal succession in India was canonically questioned, when the Persian Metropolitan revolted against the Seleucian Catholicos, Iso'Yahb III (650-59) and Timothy I (780-823).⁷ Catholicos Mar Sliba Zka (714-728) raised the Indian Church to the metropolitan dignity. Timothy I constituted India a Province directly under him; the Metropolitan of India had precedence over that of China and held the 10th place⁸; Theodosius (852-55) granted it a kind of exemption, demanding from Indian Church letters of communion and collections for the patriarchal house, to be sent every 6th year.⁹ Mar Sapor and Prot, called "Qandisangal" (the holy ones), are the only bishops, known in the Malabar tradition as coming from Persia to Kollam long before Knaithoma who came in 825.

Ecclesial Relation of the Indian Church with Autonomy

The Seleucian Church in a synod held at Markabtha in 424 by Dadiso declared itself independent of the

Western Fathers, including Pope Cajus of Rome, reserving to Christ the judgement of its head the Seleucian Metropolitan, whom it called Peter for the Seleucians.¹⁰ The autonomy of the East Syrian Patriarchs in liturgical theological, spiritual and disciplinary matters was not against the true Petrine office or primacy of the Roman Patriarch with whom they had communion and obedience in Christian faith and morality. Abdiso admits the primacy of the Roman Patriarch, but upholds the autonomy of his Church, on the principle of subsidiarity and solidarity in fraternal equality (Mt 20:25-28; 23:8; Jn 13:13-16, 34f).

Truly christian and catholic communion was shown by the East Syrian Patriarch towards the Indian Church. Timothy I who made India a metropolitan province, wrote to the Archdeacon of India about the election of the Metropolitan of India. In case of the election and ordination of the Metropolitan the Indian Christians were to seek first the advice of the Patriarch, not of the king, and only with his approval the case was to be directed to the king.¹¹ People of God used to take part in the election of their pastor.

The Chaldean Church, free from the Crusades, holy inquisition, and appointment of Bishops (approval of their

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6. PG 88:169 & 445; T-ECI 11-13; M-IAT. =Medlycott, India and the Apostle Thomas, London 1905, pp. 136, 155, 160, 196-199, 201.
 7. T-ECI 14f.
 8. Gregorii Barhebraei Chronicon Ecclesiasticum, ed. Abbelloos-Lamy, Paris 1877, tom. 3, col. 171-172; T-ECI 14f; P-TC = Podipara, p. 66.
 9. G. T. Mackenzie, Christianity in Tranvancore, Tvm. 1901, p.5; P-TC 65f.
 10. E. Khayyath, Syri Orientales seu Chaldaei Nestorinani et Romanorum Pontificum Primatus, Romae 1870, p. 5; P-CS = Podipara, The Canonical Sources of the Syro-Malabar Church, Kottayam 1986, p. 35; cf pp. 39-43.
 11. Fiqh an-Nazraniya (Law of Christians) of Ibn at-Tayyib (+1043), in CSCO 167:119 (text); 168:121 (German tr.); P-TC 66.

election) by the Roman Curia,¹² could preserve the apostolic and patristic traditions, and develop its own ecclesial life based on biblical teachings and liturgical worship, in the context of cultural and social life of the people. This was a means for the Indian Church to grow into an autonomous Church with a Metropolitan of All-India for spiritual and sacramental matters, and an Archdeacon of All-India for material, social and disciplinary matters.¹³

The Indian Christians, who had no Bishop for 40 years, sent 3 delegates in 1490 to the East Syrian Patriarch to get bishops; Joseph and George were ordained priests and sent to the monastery of St Eugene to select their future pastors. He consecrated the two chosen monks, calling them Mar Thoma and Mar Yohannan, and sent them all to India, where they were heartily welcomed by people in procession with Sliba, Gospel, lights and incense. The new bishops who visited the places of the Nazrani, ordained priests and consecrated altars. When Mar Thoma returned from India he took with him the tithes and free offerings of the

faithful to the Patriarch. Patriarch Mar Elias (1502-03) too made 3 monks bishops: Metropolitan Yabhalaha, Mar Denha and Mar Jacob, and sent them to India. They met Mar Yohannan; they stayed with the Franciscan priests at Kannur in 1504 and said Mass in their chapel, and spoke well of the Portuguese in their letter to the Patriarch (1504).¹⁴

Relation between the Nazranis and the Portuguese in 17th century

The autonomy of the Nazranis and their freedom in India was gradually destroyed by the Portuguese who in 1510 got control over the sea routes to India.

Dominican, Franciscan, Jesuit and Carmelite priests who worked in India bear witness to the true faith of the Nazranis in their writings. Fr Carneiro SJ told Nazranis: Both; you and we hold the same faith; the difference of customs matters little.¹⁵ This christian spirit and ecclesial vision was not shared by those in authority and power.¹⁶

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12. It does not guarantee better selection or good quality of the bishop chosen or appointed. For example, the Nazranis wanted the Archdeacon, Fr Mathew, to succeed Parampil Mar Alexander; but the Carmelites deputed by Propaganda elected a Latin and Portuguese, but 'Indian' Canon of the Cathedral of Cochin, called Raphael Figueredo; his crimes were reported to Rome and he was deposed (P-HMC= Podipara, Hierarchy of the Syro-Malabar Church, Allepey 1976, pp. 138 & 143f=p. 138 & 143f).
 13. P-TC 95-97; P-HMC 32-39, 103-115.
 14. Vat. Syr. 204, ed. BO = Asseman, *Bibliotheca Orientalis* 3/1:589-599; M-TC = Mundadan, The arrival of the Portuguese in India and the Thomas Christians under Mar Jacob 1498-1552, Bangalore 1967, p. 55f.; T-ECI 28f; HCI = History of Christianity in India, TPI Bangalore, vol. 1 (1984) 175.
 15. DI = Documenta Indica, ed. J. Wicki S.J, Rome, vol. 3, p. 806-10; vol. 4, p. 40f, 50; P-CS 59.
 16. Synod of Diamper, convoked by the Latin Abp of Goa when the Metropolitan See of the Apostolic Church of India was vacant, indicates the ecclesiastical politics using Roman Primacy for political and commercial gains of the Portuguese Kings who gave financial help to the Church

Mar Jacob (1503-52), who had to defend the validity of baptism conferred by him in the East Syrian rite against Fr. A. Penteado in 1524, was given financial subsidy by the Portuguese King, as recommended by Fr. Francis Xavier SJ, for acting as the chaplain of the Portuguese and saying Mass in Latin and hearing confessions. He was the Metropolitan of All-India.

Pope Julius III in 1553 approved John Suid Sulaqa as Chaldean Patriarch, and sent Bishop Ambrose Buttigegg OP as Papal Nuncio in the East, accompanied by Fr. Antony Zahara OP, to help the East Syrians. When Sulaqa was martyred, they took part in the election of Patriarch Mar Abdiso in 1556, and accompanied Mar Elias and Mar Joseph who were sent to Malabar by the new Patriarch with the credentials from the Pope; but the Portuguese detained them in Goa for 18 months; Elias and Joseph were taught to say Mass in Latin. Joseph was sent to Lisbon where he got a Papal Brief on 27-6-1564 which addressed him as "Archbishop of Nineve" and "Visitator of Malabar"¹⁷

Mar Abraham was forced to accept decrees of Goan Councils, to convoke the synod of Angamali and to approve the decree of Florence for the Armenians.¹⁸ The decrees, of Diamper valid or invalid for Nazranis, effected many changes in the juridical state of the Malabar Church, and became the existing law. This canonically, ecclesiastically, liturgically and theologically hybrid status of Syro-Malabar church, created by Latin Bishops of double jurisdiction in India, is the greatest obstacle to organic growth based on the genuine East Syriac sources (OE 6).

Part II. Juridical Sources

The Common disciplinary heritage of the Oriental Churches is expressed in can. 2 of the Quinisext or Trullan Synod in 691, repeated in can. 1 of 2nd Nicea (7th ecumenical Council) in 787: Clerics shall observe the holy canons of the Apostles,¹⁹ of the six ecumenical councils,²⁰ of the synods locally assembled to promulgate them, and of our holy Fathers; for they were enlightened by the same Spirit.²¹

(T-ECI 39); the Synod attained the object intended by the Portuguese politics: to detach the Nazranis from the Chaldean Patriarch, united with Pope, and to bring them under His Catholic Majesty (Beltrami, *La chiesa Caldea nel secolo dell'Unione*, Roma 1933, pp. 252-257).

Fr Nicholas Pimenta SJ writes to his General on 21 Dec. 1599 "how important was the step (to assume the protection of Nazrani by Portuguese king) and how greatly in future it was to promote the interests of the Portuguese crown", Nazrani race "from the days of St. Thomas has alone in India held the faith and could place in array thirty thousand armed men, in to the cause of Portugal" (P-HMC 96, cited from Beltrami 125f).

17. Beltrami 89f; P-HMC 64-67; P-TC 127-30. Mar Joseph was succeeded by Mar Abraham.
18. Cf. T-JS 130-146.
19. Apostolic Canons are 85 in the Greek text, but only 50 in Latin text.
20. The Greeks regarded Quinisext as ecumenical and added its 102 canons to those of the sixth Council.
21. H. J. Schroeder OP, *Disciplinary Decrees of the General Councils*, London 1937, p. 144f.; AAS 82: 1033f.

Canonical Sources of the Chaldean Church

The East Syriac Church which in 410 accepted Marutha's collection of western synodal canons and pseudo-apostolic canons, later received many canons from the Byzantine and Antiochian 'corpus canonum' and the Syro-Roman Book'. The first systematic canonical collection of the Chaldean Church is that of Mar Gabriel, Metropolitan of Basra (884-93), who collected all synodal canons in 2 vols. It contains mainly secular law on marriage, patrimonial law, and procedural law.

Another source of the East Syriac Church is the 'Synodicon', a collection of synodal canons, which under went many redactions, and is attributed to Mar Timothy I.

Fiqh an-Nazraniyah (Law of Christians)²² in Arabic by Abu' l-Farag 'Abdallah ibn at-Tayyib (+ 1043), the secretary of Patriarch Mar Eliya I, resumes the synodal canons and completes them with the secular law.

'Nomocanon' (Epitome of the Synodal Canons, ca 1290) and the 'Rules of Ecclesiastical Judgements' of Abdiso bar Briha of Nisibis (Ebedjesus Sobensis +1318) became the authoritative works for the Chaldean

Church through the Synod of Mar Timothy II in 1318 A.D. The Nomocanon's 1st part has 5 memre or treatises, dealing with secular life; 2nd part has 4 memre, treating on ecclesiastical hierarchy. Its content is described by A. Thazhath.²³ The 'Rules of Ecclesiastical Judgements' gives first the basic principles of Christian religion which a Bishop should know to judge rightly, and then other practical rules²⁴. Abdiso's Marganitha (Pearl = Truth of Christian Religion)²⁵ is a theological work, especially on sacraments, containing some canonical implications.

These works of Abdiso reveal the rich Christian tradition and heritage of the Chaldean Church, freely shared by the 'Mar'itha Thomaytha dHendo' (Indian Flock of St. Thomas).²⁶ Vat. Syr. Cod. 128 is a copy of Abdiso's Nomocanon, written by Mar Joseph in 1556. The book of Synods, condemned by the synod of Diamper (3/14), may be the 'Synodicon' of Abdiso. Roz SJ found in Malabar a MS of 50 canons of the Arabic-Nicene Canons, expressing the ecclesiology of the Seleucian Church.²⁷

"It is an undeniable fact that the Chaldean Juridical sources had influence on the Law of Thomas - the disciplinary heritage of the Thomas

22. Assemani BO 3/1:547; CSCO 161-162, 167-168; 167:119&168:121 refer to a letter of Timothy I to the Archdeacon of India about the election of the Metropolitan of All-India (P-TC 66).
23. T-JS 104f. J. A. Asseman edited in West Syriac and translated into Latin, the Nomocanon, published by A. Mai in SNVC X/1, Romae 1838: Syriac text, pp. 196-360; Latin tr. pp. 3-168.
24. It is edited in West Syriac with Latin translation and published by J. Voste in CCO Fonti 2/15: Ordo Judiciorum..., Vatican 1940.
25. It is edited in West Syriac with Latin translation, published in A. Mai, SNVC X/2: Syriac text pp. 317-341; Latin tr. pp. 342-366; English tr. in Badger, Nestorians and their Rituals, London 1852, vol. 2: 380-422.
26. Cf. Title of the Statutes of Roz S. J. in 1606. Scaria Zacharia, Rantu Pracina Gadhya Kritikal, Changanachery 1976, p. 1.
27. Roz sent its translation to the Jesuit General on 11-10-1605 (P-HMC 102, n. 20).

Christians of India – although the local customs, traditions, privileges and other norms prevailed on it”, concludes Dr A. Thazhath.²⁸

Mar Thoma Nazrani Margam

The Indian Church, called “Mar’ itha Thomaytha dHendo” (Thomas’ Flock in India), was following the “CHALDEAN” tradition in liturgy and discipline up to 17th century when the Apostolic Church of India was reduced to a suffragan diocese of Goa under the Portuguese Padroado²⁹. Thus Latin laws came into force in this ancient Church, having the Apostolic and Holy See of St. Thomas in India. The synod of Diamper contemplating a thorough latinization of the Nazrani Church, dealt with faith, liturgy, sacraments, reformation of morals etc.³⁰ But the decrees of Diamper point out the Nazrani Margam negatively, as opposed to or different from the Latin usages; they are called heretical, schismatic, erroneous, pagan, scandalous, superstitious, etc.³¹ Still the Nazrani did not accept the disciplinary laws of Diamper, as reported by the ‘Istoria della Missione di Malabar’ of 1750;³² for Rambans trained the ‘Samase’ in ancient traditions.

Genuine Sources of Nazrani Margam (Particular Law)

Christ is the first Law for a Christian; Bible is the first source, OT & NT, giving guidelines for peaceful life. More details are given in the Apostolic Canons, Constitutions and Traditions, which are handed down through the Fathers of the Church; they are collected in the Nomocanon of Abdiso (for East Syrians), Nomocanon of Bar

Hebraya (for West Syrians). Arabic Canons of Nicea I gives Eastern ecclesiology. ‘Rules of Ecclesiastical Judgements’ refers to fundamental principles of Christian religion, and to practical norms in judging cases on marriage, heredity, etc. Marganitha (pearl) expose the Eastern theology of sacraments, as symbols of salvation. Book of the Fathers, Book of the Synods, Book of Timothy, etc. are mentioned in decree 14, session 3, of Diamper. Thesmetha ‘Alahaytha (Divine Service) is a rich treasury of liturgical prayers, expressing the spirit of Christ and purpose of Christian life.

Details of ecclesial and liturgical life can be glimpsed from some letters and reports of European writers. Jesuit letters and reports are edited by J. Wicki, *Documenta Indica* in 18 vols (Rome 1948–88). Portuguese documents are edited by A. Silva Rego, *Documentacao...in* 12 vols (Lisbon 1947–58). Vincenzo Maria, *Viaggio alle Indie Orientali*, Roma 1672. Paulinus, *India Orientalis Christiana*, Romae 1794. Ambrose, *Hierarchia Carmelitana*, Rome 1936–39. Mar Thoma Nazrani Margam is described by A. M. Mundadan CMI. *Traditions of Thomas Christians*, Bangalore 1970, pp. 118–179; by P. J. Podipara CMI, *Thomas Christians*, Bombay 1970, pp. 79–90; by A. Thazhath, *Juridical Sources* pp. 22–63.

Part III. Evaluation

What is the present state of affairs in Syro-Malabar Church? It seems to be not well-disposed to an oriental, East Syrian, particular law; it is too familiar with the Latin laws to accept oriental laws, which are not known

28. T-JS 107.

29. T-JS 108.

30. Betrami 125; P-CS 62f & 69.

31. T-ECI 163–174.

32. P-CS 69 cites the original.

practically. This Church has been thoroughly latinized through the decrees of Diamper in 1599,³³ the Statutes of Roz SJ in 1606,³⁴ the Statutes and Decrees of Leonardo Mellano CD in 1879 for the Apostolic Vicariate of Verapoly,³⁵ Acts and Decrees of the Provincial Council of Verapoly at Manjummel in 1894,³⁶ Book of Decrees of M. Makkil in 1903 for the Apostolic Vicariate of Changanacherry,³⁷ etc. which are all alien (Latin law-sources) to the Nazrani of Malabar-India. The Latin Code of 1917 and the Acts and Decrees of the First Plenary Council of India, Bangalore 1950, had great influence on various Diocesan Statutes. The very name "Syro-Malabar" hierarchy or church or "rite" indicates a hybrid Community, created by Latin Carmelites in their attempt to root out Syriac language little by little, and to substitute Syriac with Latin "insensibly".³⁸ Today Nazrani priests cannot even read Syriac Taksal. Unfortunately, the latinising tendency continues even today under the Indian Syro-Malabar Bishops, specially in liturgy.

The purpose of the Particular Law of NAZRANI Church is to protect and promote ecclesial life according to the venerable tradition, genuine heritage and true patrimony of the Oriental Churches in India. The ecclesial heritage of the Nazranis which was gradually and systematically destroyed under Portuguese Padroado and Roman Propaganda can be regained by constant effort to pray

liturgically, to think biblically, to speak charitably and truthfully, and to act prudently and helpfully, for a long period. Scientific research and critical reflection on early sources will help to understand the spirit and purpose of certain practices, or meaning of some symbols.

A positive attitude is seen in some of the European writers' letters or reports about Nazrani. (Christians of St. Thomas). Their mentality and context prompted them to make a correct evaluation. By combining and comparing the available sources we can make a fair image of Nazrani Margam in 16th century. We cannot honestly categorize the documents into liturgical (sacramental), spiritual, disciplinary, theological, administrative etc.

The Present Crisis is caused by a lack of study of authentic sources, and by the Latin practices that are lived. The Syro-Malabar Church as a whole fails in living upto the high standard expected of a Christian Community in today's world.

The Syro-Malabar Church of the Nazrani longs to re-establish and re-direct its weighty thoughts, along the genuine traditions in Bible and Liturgy. She can do it by going back to the original sources of the Nazranis and by living a life according to these traditions; then she will be genuinely oriental and Indian.

George Appassery

33. T-JS 133-144; T-ECI 163-174.

34. T-JS 155-162.

35. T-JS 231-238.

36. T-JS 248.

37. T-JS 251-254.

38. *Subsidium ad Bullarium Patronatus Portugalliae (Regum)*, Olisipone, Typographia Nationali editum annis 1868, 1870, 1872, 1875, 1879; Allappe 1903, p. 12-13; T-ECI 84, n. 2; P-HMC 136 & 141f.

The Autonomy of the Thomas Christian Church of India Upto the Sixteenth Century

The Code of canons of the Eastern Churches calls the Oriental Churches in Catholic communion 'sui iuris' churches or autonomous churches.¹ These autonomous churches have to formulate their own particular law² going back to their own juridical sources and history. It is true that the ancient church of the St Thomas Christians of India was in hierarchical communion with the East Syrian church upto the XVIth century. From the available sources we are led to think that it was getting bishops from the East Syrian Church. However, it enjoyed a great deal of autonomy and preserved its own identity distinct from that of the East Syrian church, so much so to the western observers it looked like a Christian Republic.³ This article is an attempt to trace back the various elements that contributed to the autonomy of the ancient church of the Thomas Christians of India.

a) Consciousness of its Apostolic Origin

One of the most important elements of the identity and autonomy of the St Thomas Christian Church of India has been the continued and unbroken consciousness of the faithful in the apostolic origin of their church. According to the conviction and the living faith of the people their church was founded by Apostle Thomas who preached the gospel in India, established christian communities, was martyred and was buried at Mylapore. Most of the historians and scholars attest to the truth of this living tradition.⁴ This very claim to the apostolic foundation gave to the ancient church a claim to its autonomy. When the status of the archiepiscopal see of Angamaly was reduced to that of the suffragan diocese of Goa after the Synod of Diamper, the Thomas Christians vehemently protested and burst out, what wrong have we done...? was

1. Codex Canonum Ecclesiarum Orientalium, AAS (1990) c. 27.

In the Code the term autonomous church is used only for those churches bound together by a hierarchy of their own and which are accepted expressly or tacitly as such by the Supreme authority of the Church.

2. The Code being a common code for 21 oriental churches, many of the details will have to be spelt out by the particular law of each autonomous church. There are many explicit references to the particular law in the Code.

3. Thazhath A. The Juridical Sources of the Syro-Malabar Church (OIRSI, 106) Vadavathoor 1987, p. 24.

4. Ibid, note 6, p. 4.

not our church founded by an Apostle? Is it not the most ancient church of India? This is the doing of the Archbishop of Goa...how can he be the primate of our church which is more ancient than his?⁵

The St Thomas Christians were happy to receive the western missionaries whom they welcomed as their brethren in faith. However, they were not ready to compromise in the matter of apostolicity and individuality. They claimed equal status with the western church as regards the apostolicity. They compared the Law of Thomas with that of the Law of Peter.⁶ This vivid consciousness of their apostolic origin contributed greatly to their autonomous status.

b) Hierarchical Communion with the East Syrian Church

History bears witness to the fact that the Church of Thomas Christians of India had hierarchical communion with the East Syrian Churches of Selucia Ctesiphon and Persia proper. The East Syrian bishops gave hierarchical assistance to the St Thomas Christians upto the XVth century.⁷ It is not clear when this close association with the East Syrian Churches began. There were many geographical, social and economic reasons for this type of close contact. For example, India had trade relations with Persia and Mesopotamia in those days. There were also certain Persian colonies in India. Besides these, both these churches shared the same apostolic patrimony as the East Syrian churches

also claim their origin directly or indirectly from Apostle Thomas.⁸

How and when did the Church began receiving bishops from the East Syrian Church? There are many traditions connected with this. They helped the church of St Thomas Christians of India, to revitalize itself and to organize the community. From time to time they brought bishops from East Syria and the Thomas Christians received them with great respect and honours. According to this tradition this relationship was further strengthened in 9th century with the arrival of another group of East Syrians under the leadership of Mar Sapor and Mar Prot, two holy bishops whom the Thomas Christians considered as great saints.⁹ Gradually this hierarchical subordination became the normal thing and whenever the See was vacant a delegation was sent to East Syrian Patriarch who consecrated bishops for the Thomas Christians. There is no evidence to show that the Thomas Christians in any way resented this hierarchical dependence. In fact they longed for the East Syrian bishops and received them with great honour whenever they came.

This hierarchical communion made them sharers in the liturgical, theological and canonical heritage of the East Syrian Church. Naturally it strengthened their autonomy as it helped a great deal in the organization and the administration of the church. Besides, the Thomas Christian

5. Podipara P. J., *The Malabar Christians*, Allepey, 1972, p. 7.

6. Thazhath, *The Juridical Sources*, p. 10

7. Podipara P. J., *The Thomas Christians*, Bombay 1970p. 26ff.

8. *Ibid*, p. 63-78.

9. *Ibid*, p. 63 ff., Mundadan A. M., *Traditions of St. Thomas Christians*, Bangalore, 1970, p. 92-103., Thazhath, *The Juridical Sources*, p. 68-71.

Church of India enjoyed a very high and privileged status among the many provinces of the East Syrian Church. India was raised to the Metropolitan status and the metropolitan of India had the title of the Metropolitan and the "Gate of All India". He had suffragans in Socotra and Masin.¹⁰ The Metropolitan of All India enjoyed great autonomy and the Indian Church was obliged only once in six years to send to the chaldean patriarch the letter of communion and the cathedra-
ticum.¹¹ The status of Metropolitan of All India and the Archdeacon of All India helped the Thomas Christians to safeguard and develop their own individuality and autonomy.

c) Socio-Political Life

The St Thomas Christians of India enjoyed a very high social status and they in their own way, contributed to the political life of the century. Socially Malabar, the home land of the Thomas Christians, was the land of many castes and subcastes. Each of these contributed its share to the development of the society. The Thomas Christians mainly came from the upper caste and were respected by other communities. They were addressed as Nazarini Mappilas (nobles) sons of kings or first kings.¹² The St Thomas Christians enjoyed many privileges and honours granted to them by different kings at different times.

By occupation the Thomas Christians were predominantly agriculturists. Pepper growing was almost their monopoly.¹³ There were also good merchants among them. They were associated with the Portuguese especially in the business of pepper. The christian youth were distinguished in military service. Males from their eighteenth to the twentieth year were taught the use of weapons. Men always went about carrying weapons.¹⁴ Christian soldiers were the back bone of the power of local kings. Gouvea has said that the christians supplied the Raja of Cochin with an army of 50,000 gunmen and so the strength of their military power would shaken the enemy kings.¹⁵ There were also many nonchristian castes of artisans whose protectors were St Thomas christians.¹⁶ They would render their special service to the Thomas Christians and would obey them in all matters except being converted to christianity.¹⁷

The christian community enjoyed many powers given to them by the kings. Administration of justice, to a great extent, was within the hands of the leaders of their own community. Tradition even hints at the existence of a christian dynasty of kings who were their special protectors. The Archdeacon also enjoyed princely status and royal privileges. Going about he used to be escorted by soldiers.¹⁸ These factors did contribute

10. Podipara P. J. *The Rise and Decline of the Indian Church of St. Thomas Kottayam*, 1979, p. 12.

11. *Ibid.*

12. Thazhath, *The Juridical Sources*, p. 23.

13. Mundadan A. M. *Traditions*, p. 119.

14. Podipara P. J. *The Thomas Christians*, p. 83.

15. Mundadan; *Traditions*, p. 120.

16. Podipara P. J. *The Thomas Christians*, p. 83.

17. *Ibid.*

18. Podipara P. J., *The Rise and Decline*, p. 20-21, Mundadan A. M., *Traditions*, p. 125-127.

a great deal to their autonomous status and individuality.

d) Christian Life and worship

The St Thomas Christians associated with the East Syrian Churches not only for their prelates but also for the way of worship. However, even in this matter they had many local adaptations and they had christianized all those local practices which could have been accepted. Thus in the matter of worship too they preserved their individuality and autonomy. Most of their churches were built in the architectural style of non-christian temples, the only distinction being the crosses that were put up on the roofs and in front in the open air.¹⁹ Even in the celebration of the sacraments many adaptations to the local customs were made. These were all the more evident in the case of baptism and marriage.²⁰ Social customs associated with death and marriage were very much similar to the corresponding customs practised among the non-christians, especially Hindus. The same can be said of the many feasts celebrated. In the case of feast celebrations and the observance of fast and penance they christianized many local practices.

e) The organization and the administration

According to tradition St Thomas founded seven churches in Malabar and another one in Mylapore.²¹ How did these communities organize themselves and developed the administra-

tive structures? There are very few documents to give a clear cut answer to this question. However, the 16th century accounts of the Portuguese and other western missionaries clearly indicate that the church administration centred round the See of The Metropolitan of All India and more prominently, around the Archdeacon of All India. The administration of the parish was within the hands of yogam, which were the parish assemblies in which the laymen and the priests attached to the parish played a very prominent role.²²

1) Metropolitan of All India

The title of the metropolitan of India was the metropolitan and the Gate of All India. Various short forms such as Gate of India, Head of India, Door of All India were also used. Tradition is almost constant that the bishops who were coming to the Thomas Christians before the XVth century were of East Syrian Church. There is a vivid description of Joseph the Indian in 1502, that bishops and archbishops were sent to the provinces of India and other places by the Katolika (patriarch) of Babylon.²³

"Door or Gate stands for sublime power among the orientals. The Metropolitan of India with this title, therefore, had a sublime power of jurisdiction in the whole of India."²⁴ The bishops who came to India were very much respected and enthusiastically welcomed. The Thomas Christians were so much attached to them that the

19. Mundadan A. M., Traditions, p. 159, Podipara P. J., The Thomas Christians, p. 86.
20. Podipara P. J. The Thomas Christians, p. 87-89, Mundadan A. M. Traditions, p. 168-176.
21. Thazhath, The Juridical Sources, p. 33.
22. Mundadan A. M., Traditions, p. 137 ff, Thazhath. The Juridical Sources, p. 33-44, Podipara P. J. The Thomas Christians, p. 68-72, 95-98.
23. Mundadan A. M., Traditions, p. 137 ff.
24. Ibid, p. 139.

Portuguese found it a great obstacle to them in their way of latinizing the Thomas Christians.²⁴

What were their rights and obligations? Documents are not very clear about the powers of the bishops during this period. According to the testimony of the Chaldeans themselves, the main functions of the bishops were to consecrate altars and ordain priests. These bishops were foreigners. "The customs of the country, the language etc. were foreign to them. Communication from place to place was difficult. The bishops, therefore had to be practically content, with the exercise of the power of order in which not seldom was also included the faculty to confer baptism. The regulation of worship according to the rite, and a general vigilance in matters canonical were also reserved to the bishops.²⁵ The rest of their time they spent in prayer and study, leading an austere life. This might have been the reason why the christians held them with great respect. The administration of the church was effectively in the hands of the Archdeacon and palliyogam.

2) The Archdeacon of All India

According to the scanty sources available we know that the administrator of the Thomas Christian community was the Archdeacon of All India who was called 'Jathikukarthavian' meaning the Lord of the community. European missionaries testify that he was the prince and head of the Christians of St Thomas.²⁶ All the

archdeacons historically known were from Malabar. While metropolitan led an ascetical life exercising for the most part the powers only of the episcopal order, the Archdeacon governed the whole people who were dispersed in several kingdoms that were ruled over by non-christian kings.²⁷

There was only one Archdeacon for the whole church at one time, even though there were sometimes many bishops. Archdeacon was called 'Jathikukarthavian'. Because of this the Archdeacon had great influence and even civil powers. He enjoyed also princely status as is testified by Mar Cariattil, "The archdeacon ...is the first among the seventy princes of perumpalepil".²⁸

3) Parish life and yogam

The life of Thomas christians was church centred. Churches were built by the people themselves and they contributed to its maintenance as well as to the maintenance of the clergy. The clergy were ordained normally for the parishes and not for the whole metropolitan church. They were trained under certain learned and experienced priests who were called 'malpanas.' Besides these malpanates, there were certain centres of learning as the university at Angamalee.²⁹ The candidates to be ordained had to get the official approval of the parish assembly called yogam³⁰.

The administration of the parish was carried on effectively by the parish

25. Podipara P. J. The Thomas Christians, p. 95.

26. Thazhath, The Juridical Sources, p. 38.

27. Podipara P. J. The Rise and Decline, p. 17.

28. Podipara P. J. The Hierarchy of the Syro-Malabar Church, Alleppey, 1976, p. 105.

29. Mundadan A. M. Traditions, p. 151.

30. Thazhath, The juridical Sources, p. 30.

yogam. These assemblies consisted of the adult males of the parish and the local priests. This assembly was administering also the temporal goods of the church. It was concerned with the whole christian life of the community. "This assembly decided the cases of public scandal, inflicting punishments which sometimes amounted to excommunication. Those excommunicated would not be admitted to the sacraments, would not be given the pax (kiss of peace) during the sacred functions, would be excluded from the church assembly, priests would not enter their houses to preside at 'chatams' or other feasts etc."³¹

To decide matters of regional interest, regional yogams were constituted of representatives of priests and laity from parishes. Matters pertaining to the whole church or community were handled by the general yogam. The Archdeacon and the representatives of all the churches with the priests formed the 'general yogam'. In these general church assemblies the Archdeacon, as the head of the christian community played a very prominent part. These general assemblies were 'de facto' the supreme legislative, and judicial authority in the church and the decisions of this assembly were not normally questioned by any ecclesiastical authority. "Such was the canonical set-up that developed among the Thomas christians of the past. Because of this autonomous state and oneness, no foreign heresy or religious controversy had any impact on them..."³²

4) Laity

Laity in the Malabar Church enjoyed a very privileged position in the administration of the Church. The administration of the parish was in the hands of the local community. They along with the priests constituted the parish assemblies which dealt with all matters affecting the community, the punishment of the offenders not excluded. They actively participated in all the church activities and played also an active role in the legislative process in the church.³³

Conclusion

As seen above the ancient church of the Thomas christians of India enjoyed an autonomous status even though it was hierarchically subordinated to the East Syrian Church. As Fr. Placid points out, "inspite of these factors, or along with these factors, they developed an individuality all their own in the socio-political environment of the country, adapting themselves to or rather christianising their ancient culture in almost all its aspects. This adaptation or christianization extended also to their liturgical and canonical rites, i.e. to their mode of worship, and church administration."³⁴ Besides the socio-political reasons the spiritual role of the bishops, the prominent role of the archdeacon as the head of the community, the church assemblies and the role of laymen also contributed to the autonomy of the Thomas christian church of India. All these factors gave to the church the appearance of a christian Republic.

Sebastian Vadakel

31. Podipara P. J. The Thomas Christians, p. 26.

32. Paremmakkal Thomman Cathanar, The Varthamanappustakam, English translation with notes by Podipara P. J. OCA 190, Rome, 1971, p. 3-4.

33. Mundadan A. M., Traditions, p. 154, Thazhath, Juridical Sources, p. 43-44.

34. Podipara P. J. The Thomas Christians, p. 79.

Renewal of Priestly Formation in the Syro-Malabar Church in the Light of Second Vatican Council and CCEO

Introduction

The success of the mission of the Church depends on a large extent on the ministry of her priests; the success of the ministry of priests in turn depends upon the formation given to them. The Church has always tried to give adequate formation to her priests. The second Vatican Council was fully aware that the wished for renewal of the whole Church depended in large measure on the ministry of priests; hence it proclaimed the importance of forming them in the spirit and vision of the Council.

The post-conciliar era has witnessed great enthusiasm throughout the world to renew priestly formation, so as to assimilate the spirit and vision of the Council. This hoped for reform had its impact on the Syro-Malabar Church too; though the steps taken by the Syro-Malabar Church to reform the existing system of formation have not been adequate. The scope of the present article is to suggest meaningful and mature measures to reform

the priestly formation in the light of second Vatican Council and the CCEO.

1 Optatam Totius and Autonomy in Formation

The renewal of the Church, the essential scope and predominant motive of the second Vatican Council, is intrinsically related to the formation of priests. The Council was fully conscious that "the wished-for renewal of the whole church depends in a large measure on the ministry of the priests which is vitalized by the spirit of Christ."¹ In channelling the vision of the council into the life of the Church, the Decree on Priestly Formation has a unique importance. "Whether the vision of the Vatican second becomes a reality or a lost opportunity depends to a large extent on the way it is realized in the seminaries and among the leaders of the Church."²

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1. The Decree Optatam Totius is the result of a large and painstaking process, extending over a period of five years, from July 1960 to October 1965. The Decree received its final approval and was promulgated on 28th October 1965. AAS 58 (1966) 713-727. English translation of the documents of II Vatican Council is from W. M. Abbot, (ed.) The Documents of Vatican II, London 1967.
 2. W. A. Quanbeck, "A response" in Abbot W. M. (ed.) The documents of Vatican II (London 1967) 458.

1. Adaptation of priestly formation on the basis of Individual Churches in their historical background

One of the drawbacks of the decree of the Council of Trent on seminaries was its rigidity. It left no possibility for adaptation. That is why the Fathers of the II Vatican Council unanimously manifested their desire that the Decree on Priestly Formation leave enough scope for proper adaptation according to the needs of time, place and circumstances. A totally uniform formation is neither possible nor desirable in a variety of nations, cultures and rites.³ At the same time the Council Fathers were of the opinion that the Decree should provide general rules which would be universally applicable.

Since the variety of nations and places is so great, only general rules can be legislated. Hence, in each nation or particular rite, a programme of priestly formation should be undertaken... By it, universal laws are to be adapted to the special circumstances of time and place so that priestly formation will always answer the pastoral needs of the area in which the ministry is to be exercised (OT 1).

(i) Specification on the basis of Nation

Each nation or individual church has to adapt the general rules laid down by the council decree to meet the pastoral needs of time, place and ecclesial traditions. The term nation has a very large meaning. Note no.4 makes this clear.

The entire formation of priests, that is the arrangement of the seminary,

its spiritual instruction, curriculum, the common life and discipline of the students, and its pastoral training should be adapted to the various circumstances of regions (OT 1, Note 4).

Nation has been given an added meaning. Even in the same nation there are different circumstances. The best example for such a situation is India. Politically India remains a nation but this does not mean India is in all respects one and the same. In India, there are various regional, linguistic, cultural and ethnic groups. The Decree foresees these differences and leaves provisions for adaptation even on a regional basis. Making this aspect clear the Latin Code of Canon Law says that the programme of priestly formation drawn by the national episcopal conference has to take into account the pastoral needs of each region or province (CIC c. 242 \neq 1). In brief, the specification intended by the Decree must be made on a national basis, but should not defeat its ultimate end and motive. The specification on a national level can be further adapted to the needs, circumstances of the regions.

(ii) Specification on the basis of an Individual Church

The II Vatican Council emphasized communion ecclesiology and explained the nature of the Church as communion of churches (OE 2); similarly, the council made clear beyond doubt that ecclesial traditions constitute part of the divinely revealed and undivided heritage of the universal Church (OE 1). Underlining this current of thought the Decree on Ecumenism declared that the entire heritage of spirituality, liturgy, discipline and theology, in the various traditions, belongs to the full

3. Acta Synodalia Sacrosancti Concilii oecumenici Vaticani secundi (Vatican 1975) III, part 7, 535.

catholic and the apostolic character of the church (UR 17). Consequently, it is the mind of the catholic church that each individual church or rite retain its traditions whole and entire, while adjusting its way of life to the various needs of time and space (OE 2).

The Council knew that to retain the ecclesial identity of each individual church its ministers were to be trained to understand and respect their ecclesial patrimony and to live in accordance to it.

Those who, by reason of their office or an apostolic assignment, are in frequent communication with the Eastern Churches or their faithful, should, in proportion to the gravity of the task, be carefully trained to know and respect the rites, discipline, doctrine, history and characteristics of easterners (OE 6).

Each individual church has the obligation to provide its clerics with the formation to help them retain and live according to its ecclesial traditions. In specifying the general rules regarding priestly formation, specification on the basis of ecclesial identity of the individual church has great importance. That is why, the term *sui juris* Church is placed in juxta position to the term nation (OT 1). In the Decree the term *sui juris* church refers in a special way to the Oriental Churches.⁴

To protect the identity of the Eastern Churches, the Council permi-

tted specification of the general principles of the Council where needed, also on the basis of specific ecclesial heritage (OE 1, 9, 17, 23).

Patriarchal and archepiscopal synod constituting the higher instance of the *sui juris* church can therefore lay down the norms which are most suitable to the welfare of the faithful of their own church, within the limits of common law (of the Universal law and all the *sui juris* churches) and of the particular law of their own church if issued by the supreme authority.⁵

Where different individual churches co-exist there is need for cooperation and collaboration on a national or regional basis in things of common interest. This cooperation in specifying the general rules given by the council, should not harm in any way the ecclesial identity or formation of the clerics according to the ecclesial patrimony of each individual church. The Oriental Code is very clear about this essential aspect.

This programme can be established by common agreement, if opportune, for a whole region or nation or even with other autonomous churches with the precaution that the character of the rites not suffer harm (CCEO c. 330 \neq 2).

Third paragraph of the same canon states that the particular programme of priestly formation has to include

4. Melchite patriarch Maximus IV, in his intervention showed the necessity of adding the term rite in the decree. "Apressingularum dioecesium atque nationum" ajouter: ac rituum. En effect, les memes raison avancees valent aussi pour les rites au sein de l' Eglise Universelle". Acta synodalia III, part 7, 899.

5. M. Brogi, Particular law in the future oriental code of Canon Law in Pyngott C. (ed). Homage to Mar Cariattil (Rome 1987) 91.

faithfull observance of common law and the tradition of its own autonomous church.

2. Competency of the Bishops' Conference

The uniqueness of the Decree on Priestly Formation is its openness and adaptability to the needs of various circumstances. The adaptation of the general rules given by the decree on Priestly Formation to the needs of different circumstances, should be drawn by the episcopal conferences, revised at definite intervals and approved by the Holy See (OT 1) According to the decree, the legislative organ which has to adapt the general rules is not the Holy See, but is the local conference of the Bishops.⁶

The term episcopal conferences in the decree is not precise. Whether it refers only to the episcopal conference of a nation, a region or a continent is not precisely defined.⁷ During the first synod of Bishops, Cardinal Gabriel Garrone, Prefect of the Congregation for the seminaries made it explicit that by permitting decentralization the Council did not want to create confusion nor anarchy in the realm of priestly formation. The duty of formulating the particular programme for priestly formation is not entrusted to each and every bishop but is a collective responsibility to be executed in a collegial manner. In each nation only the episcopal conference has the competency to

formulate the programme of priestly formation.⁸

According to the Latin Code of Canon Law, the programme of priestly formation in each country, "is to be drawn up by the episcopal conference" (CIC c. 242 \neq 1). The competent forum according to the Latin Code is the national Bishops Conference of a country.⁹ In CCEO, the competent authority to publish, to change or to renew the programme of priestly formation for a church inside the territory is the synod of bishops or the Council of Hierarchs. In extra-territory eparchial bishop is competent for the same.

It is for the Synod of Bishops' or the Council of Hierarchs to publish a particular programme for the training of clerics, in which common law is to be explained more priestly for seminaries within the boundaries of the territory of their own churches. In other cases, it is for the eparchial bishop to prepare this type of programme, for his own eparchy, without prejudice to c. 150 \neq 3. It is also the right of the same authority to change or renew the programme (CCEO c. 330 \neq 1).

The competency of the episcopal conferences must be under the Holy See and any adaptation or specification to the various circumstances needs the approval of the Holy See (OT 1).

6. Cf. J. Vonderach, "La competenza Conference delle Episcopali nella formazione dei sacerdoti in Fagiolo V & Concetti, G. (ed), *La collegialita Episcopale per il futuro della chiesa* (Firenze 1969).

7. Ibid.

8. Ibid 346.

9. L. Golden, *Sacred Ministers or Clerics*, in J. A. Coriden, T. J. Green, O. E. Heintschel, (eds). *The Code of Canon Law A text and commentary* (London 1985) 183.

The Decree envisages a new relationship between the Holy See and the episcopal conferences. It is a complementary relationship of mutual cooperation and collaboration. The role of the Holy See will be to guarantee the essential unity of priestly formation.¹⁰

The Latin Code states clearly that the programme of priestly formation needs the approval of the Holy See (CIC c. 242 \neq 1); but the Oriental Code does not mention approval of the Apostolic See for the programme of priestly formation inside the territory (CCEO c. 330 \neq 1). However, CCEO c. 167 \neq 2 and c. 169 \neq 2 say that the laws enacted and the decisions taken by the council of Hierarchs assume binding force only after the approval of the Apostolic See. In the case of extra-territorial Bishops, c. 330 \neq 1 makes a cross reference to c. 150 \neq 3, which says that disciplinary laws and other synodal decisions that are approved by the Apostolic See have the force of law everywhere in the world. Hence, "the juridical force of this ratio will be governed by the norm for territorial and extra territorial authority determined elsewhere" especially in the title on sacred Hierarchy.¹¹

II. Ratio particularis

1. The specifications of the general rules regarding priestly formation undertaken by each nation or church is called in the Decree on Priestly Formation *Sacerdotalis institutionis Ratio* (OT.1). The latin Code of Canon

Law preserves the same title (CIC c. 242 \neq 1.). The oriental Code calls it Ratio Institutionis (Clericorum) Particularis. (CCEOC c: 330 \neq 2,3).

Optatam Totius art. 1 uses the term *leges* twice—*leges universales* and *Leges generales*. For Ratio particularis, the specifications of general and universal law is a particular law that determines the immediate and concrete manner of priestly formation in a nation or Rite.¹²

Ratio particularis provides unity in diversity as it is the concrete expression of one and the same law, but adapted to the needs of the country or of a Rite. The source for the specification of the particular programme of priestly formation is the principles given by the Vatican Council II and related Ecclesiastical documents.¹³

The particular programme of priestly formation is not the same as the statute of a seminary. Statutes control the concrete day today life of a particular seminary. On the other hand, Ratio particularis determines the orientation of priestly formation of a country or of a church. The particular statute of a seminary is drawn up in the light of Ratio particularis. The particular programme cannot be identified with Ratio published by the congregations for Catholic education on the decisions of the Bishops Synod. The Ratio of the Congregation is a model, as well as an aid to the episcopal conferences for the redaction of their own programme of priestly formation.¹⁴

10. F. Marchisano, *Genesi e Valore della Ratio Fundamentalis Institutionis sacerdotalis*, seminarium 22 (1970) 599.

11. Clerical Formation and Seminaries, Nedungatt G., (Relator) Nuntia & PCCICOR (Rome 1979), 70-71.

12. J. Schroffer, *La Ratio Institutionis Sacerdotalis* 330.

13. Ibid

14. Ibid 331.

2. Content Ratio Particularis

Ratio deals with the entire priestly formation on the basis of *Leges generales* or *universales*. It is more than the reordering of studies. It specifies concretely and precisely different aspects of priestly formation such as spiritual, intellectual and pastoral formation in the context of a particular country or rite.

i. On the basis of Conciliar vision and spirit

In formulating a particular programme *Optatam Totius* must remain the primary source. The vision and spirit of the decree on priestly formation must dictate the shape and structure of the particular Ratio as the Decree on Priestly Formation reflects the spirit and vision of the Council (OT preface); Because to understand this decree and read between all its lines one must understand the Constitution on the Church. One must read the beautiful and lofty thoughts on the nature and mission of priests. Both in the Constitution and in the documents which deal specifically with the priesthood.¹⁵ As far as the Oriental Churches are concerned the Ratio Particularis should be designed according to the spirit and vision of the Decree on Eastern Churches.¹⁶

The decree on Priestly Formation clearly states that the motive and finality of the particular programme of priestly formation is to answer the pastoral needs of the area in which the ministry is to be exercised (OT.4). Therefore, every programme of instruction whether spiritual or intellectual

or disciplinary should be joined with practical implementation and directed towards the above mentioned pastoral goal (OT.4).

Formation should aim at integrating the individual into the life of the Church, the Mystical Body of Christ.

Seminarians should be thoroughly penetrated by the mystery of the church especially as it has been presented with new clarity by this synod. Let them learn to share large heartedly in the whole life of the Church. According to St. Augustine: "A man possess the Holy Spirit to the measure of his love for Christ's Church" (O T.9).

The Ratio Particularis must take this new ecclesiological vision of the Council into account:

The question is properly one of ecclesiology. Just as the Tridentine seminary embodies the counter-reformations understanding of the Church, so must the seminary of the age of Vatican II, be expressive of the broader and enhanced vision which the Church has given of her own nature. It is not, therefore, a question of adjusting the seminary to the demands of a supposed new breed or to watering down the virtue of obedience in order to make it more acceptable to modern youth. Rather it is a question of seeking honestly the answer to some very important questions in the light of contemporary ecclesiology.¹⁷

ii. Ratio Fundamentalis institutionis Sacerdotalis

The adaptation of general rules of *Optatam Totius* to the need of

15. Carter, Introduction to the Decree on Priestly Formation in Abbott, W. M. (ed), *The Documents of Vat. II* (London 1967) 435.

16. C. P. C. Pujol, "Decretum Concili Vaticani II Orientalium Ecclesiarum" *Textus et commentarium* (Romae 1970) 45-48.

17. J. M. Lee & L. J. Putz, (eds) *Seminary Education in a Time of Change* (S. I. 1965) xi (from introduction).

various circumstances was a difficult and painstaking endeavour. The first general assembly of the Synod of Bishops (1967) discussed this problem in detail and approved the following proposal put forward by the Cardinal Prefect of the Congregation for Catholic Education:

Would it seem opportune to list the themes which ought to be included in all programmes of priestly formation and to prepare in collaboration with the episcopal conferences, a basic plan (*Ratio fundamentalis*), in accordance with the decree *Optatam Totius* and other conciliar documents. In the next plenary meeting of the Congregation for Catholic Education. This plan should be examined and drawn up definitively so as to serve as a norm for all programmes later to be made: Its purpose being to preserve unity and at the sametime allow sound variety.¹⁸

After due consultation with various bodies of episcopal conferences and with experts in the field of clerical formation the Congregation for Catholic Education published *Ratio Fundamentalis Institutionis Sacerdotalis* on 6/1/1970.¹⁹

Ratio is a link between the Conciliar document on Priestly Training and its actualisation to the needs of different times and places. The document in its preliminary remarks states this clearly:

It is the task of the episcopal conferences to draw up programmes of priestly formation proper to each nation. This document is intended to indicate these conferences. The

solid foundations for carrying out this serious task.²⁰

In content it is a comprehensive treatise on all aspects of priestly formation and provides guidelines on the spiritual, intellectual and pastoral formation of the candidates. Hence *Ratio* is a guide for the correct implementations of *Optatam Totius*.

Seminaries and the formation in seminaries of the Orientals come directly under the Congregation for the Oriental Churches; therefore the documents of the Congregation for Catholic Education are not per se binding on Orientals.²¹ They can be useful for the Oriental Churches. About the *Ratio Fundamentalis Institutionis Sacerdotalis* the Oriental Canon Law Commission says:

These conciliar norms have dictated the shape and structure of the following canons, which have drawn inspiration also from the *Ratio Fundamentalis Institutionis Sacerdotalis* of the Congregation for Catholic Education (AAS 62, 1970, pp. 321-84), a document that amplifies the conciliar Decree with a view to helping episcopal conferences to draw up national Ratios suited to their own particular situations. Obviously episcopal synods of Oriental Churches, too could find like help in the same document (though it is per se binding on them) in drawing up a like ratio of which canon 4 will speak. As it is in the case of *Ratio Fundamentalis Sacerdotalis* these documents from the part of the Congregation for Catholic Education are not per se binding to the Oriental Churches, however can be useful in drawing up their own particular ratio.²²

18. G. Caprile, II Sinodo dei vesiovi, - prima assemblea generale - 29 Settembre - 29 Ottobre 1967 (Rome 1968) 321.

19. AAS 62 (1970) 321-384.

20. *Ratio Fundamentalis*, preliminary remarks.

21. J. Rezac, *De Hodierna competentia S. C. pro Ecclesiis orientalibus* in Vellian J. (ed), *The Malabar Church* (OCA 186, Rome 1970) 230, 232-233.

22. *Clerical Formation and Seminaries Nuntia* 8, 70.

3. Characteristics of the Ratio

The finality of Ratio Particularis is to provide an efficient formation for seminarians taking into account their varying needs and circumstances. Therefore Ratio Particularis has the following characteristics.

i. Specification

Being *lex particularis* of a country or of an Individual Church regarding priestly formation, Ratio must give precise and specific directives responding to the needs of time and place. The general principles have been given by *Optatam Totius* and have been explained in detail by *Ratio Fundamental* of the Congregation for Catholic Education. The task of Ratio particularis therefore is to spell out the concrete application of these general principles in a given context.

ii. Adaptation

Making the specification in a given context, in the Ratio Particularis has to adapt itself to the needs of place and time. This type of adaptation presupposes a serious study of the culture and heritage of a place. The Decree on Priestly Formation mentions the need of adaptations regarding the teaching of philosophy (OT 15).

iii. Unity and Dynamism

The success of Ratio consists in assimilating the spirit of openness and flexibility of the Decree of Priestly Formation to needs of different circumstances. At the same time Ratio should show prudence in accepting and respecting solutions given by the Church to certain common problems. In this respect mutual exchange of experience and results of experiments. As clearly stated in the council Decree (OT 1)

episcopal conferences must evaluate, re-examine and if needed, revise the particular programme of priestly formation to accommodate it to the new situations or to the changed circumstances.

III. Programme of priestly formation for India

Three years after the promulgation on the Decree of Priestly Formation the standing committee of CBCI, Bangalore, (October 1968), constituted a *Commissio Technica* to formulate a *Ratio Institutionis Sacerdotalis* for India in accordance with the prescription of *Optatam Totius* article 1. Through a long painstaking process of study, consultation, research, discussion and survey this commission prepared a provisional schema of programme.²³ It was approved by the general assembly of the CBCI at Cochin 1/1970 and published under the title programme for priestly formation for India.²⁴

In May of the same year programme received approval of the Holy See. This programme is revised in 1988.

The programme of priestly formation for India is the Ratio Particularis formulated by the CBCI on a national level. Because it has been approved also by the Bishops of the Syro-Malabar Church and as has the approval of the Holy See it is a valid guideline for the renewal of seminary formation of the Syro-Malabar Church to that extent it is in tune with its specific Oriental ecclesial identity.

i. Scope of an inter-ecclesial Ratio in India

The programme of priestly formation for India should be the fruit

23. Report of the general meeting of Catholic Bishops' Conference of India. (Ernakulam, January 7-16, 1970) 65-66.

24. Programme for Priestly Formation for India (Madras 1970) iii-iv.

of in depth study of the heritage of each Church and inter-ecclesial cooperation of the three individual churches, Syro-Malabar, Syro-Malankara, Latin in India.

The Vatican Council II recommended mutual cooperation between various individual churches to tackle problems of common interest (OE 4; CD 38 ¶6). The Oriental Code of Canon Law at least in three canons speaks the need and utility of inter-ecclesial cooperation in matters of common good (CCEO c 84 ¶1, c. 202, c. 322). CCEO (Canon 330 ¶2) permits explicitly inter-ecclesial cooperation in formulating a common programme of priestly formation for an entire region or nation, by different autonomous churches. In a country like India where three *Sui Juris* churches exercise jurisdiction inter ecclesial cooperation is needed and helpful in settling problems of common importance. The rich cultural, religious and philosophical heritage of India is shared by these three individual churches, and so the task of adapting priestly formation to the cultural, religious and philosophical context of India can be done in common. The pastoral and missionary context of India though there are regional and local variations is one and the same. Therefore the attempt made by the CBCI to cooperate on a national basis to formulate a programme of priestly formation for India common to all three individual churches is to be appreciated to that extent it is in harmony with the identity of each Church.

ii. Limits of the programme for India

A glaring defect of the programme for India is its superficial pre-occupation to eliminate the legitimate ecclesial diversity and to shape a new church in India which is neither Latin nor Oriental, but artificially "Indian." The primary preoccupation for such

a programme of priestly formation for India was to attempt for a unified and uniform formation on the basis of the cultural and religio-spiritual heritage of India, without due respect and proper emphasis to the different authentic ecclesial traditions.

When the Council asked the Oriental Churches to formulate their programmes of priestly formation on the basis of their Churches it was to protect their ecclesial identity and rich heritage. This ecclesial dimension is thoroughly disregarded in the Programme of Priestly Formation for India. CCEO canon 330 ¶3 warns that special care and attention must be given, so that a common endeavour should not infringe or harm the identity and patrimony of individual churches. A compromise formula is inadequate to ensure an authentic ecclesial formation.

IV. *Ratio particularis* for Syro-Malabar Church

1. Historical necessity

The history of the Syro-Malabar Church shows how it was gradually alienated from its ecclesial context to the extent of losing consciousness of its ecclesial identity through clerical formation:

Since the 16th century the formation of the clergy of the Syro-Malabar Church slowly and exclusively fell into the hands of the foreign missionaries. These followed the Latin rite. Consequently, there was an imperceptible endeavour on the part of the foreign bishops and missionaries to conform the Orientals to the Latin tradition. Later some of the Syro-Malabar prelates, without foreseeing the consequences, wanted this themselves. A clear evidence is the request of the

Syro-Malabar bishops made to the Holy See, to have the Latin pontifical translated for the use of our Church.²⁵

The Syro-Malabar Church was latined by various means, but especially through priestly formation. To heed the teaching of the Vatican Council II to preserve the history, tradition and other ecclesial and spiritual (heritage OE 5), and the restoration of tarnished traditions (OE 6) the Syro-Malabar Church must send forth a new generation of priests who know and love the ecclesial patrimony of their own church (OE 6) As *Optatum Totius* states clearly the wished-for renewal of the Church can only be realized by a new teachings. The Syro-Malabar Church as a flourishing Oriental Church, has not taken positive steps in this particular line of action.

Common-theological training without reference to one's own proper heritage has been going on since the establishment of our hierarchy. Post Vatican efforts at renewal have been organized without taking into account the ecclesial differences in the Church. Seminars and courses have to a large extent tended to extinguish the idea of the individual churches and their specific heritage. The Syro-Malabar Church has not yet made any concerted efforts for self analysis and renewal in this field of clerical formation.²⁶

The Syro-Malabar Church must be earnest in its role as a flourishing Oriental Church and fulfil its important responsibility to protect and preserve

its ecclesial identity and grow organically in accordance with the vision and teaching of Vatican Council II. For this it has to formulate its own *Ratio particularis* of priestly formation on the basis of its historical, liturgical, spiritual, theological and canonical traditions. The *Ratio* has likewise to take into account the rich cultural, philosophical, religious and spiritual heritage of India and pastoral and missionary scope of Syro-Malabar Church. Then the *Ratio* issued by the CBI can also be utilised.

2. Author of *Ratio particularis* in the Syro-Malabar Church

The Syro-Malabar Church has two Metropolitans, of Ernakulam and Changanacherry, independent of each other and immediately dependent on the Holy See. Each of these has suffragan bishops. Consequently the Syro-Malabar hierarchy in Kerala comes under the category of an Oriental Metropolitan Institution existing outside patriarchates and archepiscopates.²⁷ Moreover the nine mission dioceses of Syro-Malabar Church are suffragan dioceses of the nearby Latin Metropolitan Sees.

The present hierarchical structure of the Syro-Malabar Church remains without a head. Each bishop depending directly on the apostolic see. The only forum that brings the bishops of the Syro-Malabar Church is the Syro-Malabar Bishops Conference (SMBC). The SMBC functions to facilitate, coordinate study and discussions of such questions as are particularly concerned with the laws, customs, liturgy, activities and the interests of Syro-Malabar Church.

25. J. Koikakudy, *Ecclesial formation Christian Orient* (March-June 1986) 60.

26. J. Powathil, *Ecclesial Formation in Vellilamthadam* T. others (ed), *Ecclesial Identity of the Thomas Christians* (Kottayam 1985) 24-25.

27. V. Vithayathil, *The Syro-Malabar hierarchy and the New Oriental Legislation in Vellian J* (ed), *The Malabar Church* (OCA 186, Rome 1970) 262.

In the present hierarchical structure of the Syro-Malabar Church, the competent forum for the formulation of *Ratio Particularis* is the Syro-Malabar Bishops' Conference.

3. The Scope of the *Ratio particularis*

The best way left for the Syro-Malabar Church to renew priestly formation according to the mind and vision of Vatican Council II was to formulate its own programme of priestly formation. For an effective formulation of this *Ratio Particularis* the Syro-Malabar Church has to respect three dimensions.

i. Cultural integration

The Second Vatican Council ardently desired the formation imparted to her ministers to be adapted to the needs of time and place (OT 1). As regards the philosophical formation the Council said that it should be done in a context of contemporary systems especially those exercising special influence in their own country (OT 15). The Council Fathers invited the theologians to seek continually for more suitable ways of communicating to the doctrine to the men of their times (GS 62). It also exhorted the educators in seminaries and universities to engage in theological enquiry with a profound understanding of revealed truth without neglecting close contact with its own times (GS 62).

Therefore the Syro-Malabar Church when it formulates *Ratio particularis* must pay attention to rich cultural, philosophical, religio-spiritual heritage of India. In many ways practical guidelines of the programme of priestly formation for India CBCI can also be useful to Syro-Malabar Church.

ii. Ecclesial formation

As far as the renewal of the Oriental Church is concerned, the decree on Eastern Churches is a *Magna Carta*. The endeavour to formulate a *Ratio* therefore should be planned in the light *Orientalium ecclesiarum*. The priestly formation of the Syro-Malabar Church must be arranged in such a manner "that the seminarians should be thoroughly penetrated by the mystery of the Church, and be enabled to learn to share large heartedly in the whole life of the Church. According to the dictum of St Augustine a man possesses the Holy Spirit to the measure of His love for Christ's Church (OT.9) To achieve this the Syro-Malabar Church has to formulate the *Ratio* in harmony with its own ecclesial tradition (CCEO c. 330#3). cfr also SC 14-17.

iii. Growing missionary scope of the Church

The decree on the missionary activity of the Church says that Church is missionary by her very nature (AG 2). The decree on Eastern Churches teaches that all Churches are equal in dignity and they enjoy equal rights and are under same obligation, even with respect to preaching the gospel to whole world. Taking into consideration the missionary potentials of the Syro-Malabar Church, the Holy See entrusted it with mission territories. Now the Syro-Malabar Church has nine mission dioceses outside Kerala. It is prepared for rendering quarter series in India. Hence it has to prepare its missionaries by a spiritual and moral training (AG 25). The future missionaries should be trained to understand and appreciate its rich heritage history, customs of their people, that they might have an insight into their moral outlook, their religious precepts and intimate ideas, they form of God the world and man

according to their sacred traditions (AG 26). The new Code of Canon Law says that missionaries are to be equipped with the necessary skills and ability; suitably trained in missiology and missionary spirituality and familiar with the history and culture of the peoples to be evangelized (CCEO c. 589). The growing missionary Possibilities of the Syro-Malabar Church must be kept in mind when the particular programme of priestly formation is formulated. It has to suggest means and measures to ensure a thorough missionary formation for its members.

Conclusion

The theme of discussion in this article was the renewal of the seminary formation in the light of Vatican II and CCEO. We have shown the great need and usefulness formulating a particular programme of priestly formation, liturgical, theological and spiritual tradition in the Syro-Malabar Church. This is the best and most effective means for the Syro-Malabar Church to ensure an ecclesial formation for its priests according to the mind of the Catholic Church which is a communion of Churches.

Raphael Thattil

The Eastern Churches and the Latin Rite Religious Institutes

The need and the role of a juridical Order in the Church is to sustain, strengthen and foster common initiatives to live a Christian life ever more perfectly.¹ The sacramental and the fundamental consecration of man to God, according to Christian spirituality, is constituted by baptism; but this consecration can then be lived in a more or less "profound and intimate" manner. Christ calls some of his faithful to follow him radically. The firm decision to answer the special call of Christ, totally and freely donating to Him one's whole existence and forsaking everything that can create an obstacle or impediment to such an exclusive donation provides scope for an added consecration by the profession of the evangelical counsels (cf. LG 44) which is "deeply rooted in their baptismal consecration, and provides an ampler manifestation of it" (PC 5).

The practice and the profession of the evangelical counsels in the Church have expressed themselves not only in an individual manner, but also by the insertion into communities brought into being by the Holy Spirit. Religious life is one such institutionalized form of living the evangelical counsels with the approval of and

under the guidance of the Church. In their "common initiatives to live a Christian life more perfectly", the religious both as an institute and as individuals need to follow the norms of the Church. Among the many canonical norms that govern the religious life in its various aspects, the inter-ecclesial norm concerning the admission of the members of the Eastern Churches to Religious Institutes of the Latin Church is the subject of our study in this article. In order to understand and appreciate better the present inter-ecclesial norm on admission to religious life, we need to have a short review of the juridical interventions of the Church on this matter.

In the early centuries of the Christian era, though there existed ritual differences in the Church, often territorially limited, one could choose a monastic way of life without attending to the difference of rites.² After the great Schism of 1054 and with the rise of the mendicant Religious Orders, the number of the Orientals entering the Latin rite Religious Institutes was on the increase, and they changed their rite in favour of the Institute they joined, for which there was no special juridical provision.³

1. JOHN PAUL II, Const. "Sacrae Disciplinae Leges" (25. 1. 1983) AAS 75 (1983) pars II, VII-XIV.
2. "L' admission des Orientaux dans les Instituts Religieux D' Origine Occidentale", *Stoudion* 3 (1926) 3-4.
3. M. BROGI, "Ammissione di Candidati di rito Orientale in Istituti Religiosi Latini", *Antonianum* 74 (1979) 705-713.

It was only in the 16th century, that, with a view to promote the union of the dissident Oriental Christians with the Catholic Church, the *Propaganda* prohibited the "uniate" Ruthenian monks to change their rite in favour of the Latin rite⁴, creating thus a precedent in inter-ecclesial legislation on admission to Religious life. But it was only a particular law. In 1624 in order to make more missionary personal available, the *Propaganda* issued a decree *Nihil tam magnae*, obliging all the Religious Superiors to admit more candidates to the novitiate, including those from the Eastern Churches.⁵ Unintentionally, it caused an increase in the number of the Orientals who changed over to the Latin rite and vice versa.

In order to prevent the faithful from deserting their own Church, the Holy See restricted (1st June 1885) indiscriminate admissions of the Orientals to Latin rite Religious Institutes: candidates to Latin rite Religious Institutes were to get the permission in advance from the Holy See.⁶ Pope Leo XIII in his *Ap. Letter Orientalium Dignitas* (30 Nov. 1894) forbade the Latin rite Superiors to accept the Orientals to their Institutes unless the candidate presented a letter of consent from his/her hierarch⁷, for licit admission.⁸ To correct an impression among

the Latin rite Superiors that the norms of *Orientalium Dignitas* derogated all the previous legislation with regard to admission of the Orientals, the Congregation "pro negotiis ritus Orientalis" wrote on 15th June 1912 to the concerned Superior Generals.⁹ It made clear that all the previous norms, especially those of 1st June 1885, were in full vigour; and, in addition, it deplored that many of the Superiors were admitting the Oriental rite candidates without the letter of consent from their hierarchs and even without consulting the Congregation. Therefore, the Congregation reserved to itself the right to permit the Orientals to join the Latin rite Institutes. The Superiors had to refer every case to the Congregation for approval.

The *Codex Iuris Canonici* of 1917 laid down the norm that the Latin rite Religious Institutes could not licitly admit the Orientals without the written permission from the Congregation for the Oriental Church.¹⁰ With reference to the obligation to have the permission *iure requisita*, it was asked whether a Religious Institute which was preparing houses or province ascribed to an Oriental Church could licitly admit the Orientals without recourse to the Congregation. The Pontifical Commission for the interpretation of the Code replied that it could admit.¹¹

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4. *Codificazione Canonica Orientale, Fonti* (Typografia Poliglotta Vaticana 1930) XI (Jus Particulare Ruthenorum) 41-42.
 5. *Ius Pontificium De Propaganda Fide*, auspice Ioannes Simeoni, cura ac studio RAPHAELS DE MARTINIS, 1/2 (1909) 20.
 6. *Collectanea S. Congregationis de Propaganda Fide seu Instructiones Rescripta pro Apostolicis Missionibus*, (Romae 1907) II, n. 1633.
 7. *Leonis XIII P. M. Acta* XIV, 365-366.
 8. BROGI, "Ammissione di Candidati di rito Orientale...", 716-717.
 9. AAS 4 (1912) 534-535.
 10. *Codex Iuris Canonici, Pii X Pontificis Maximi iussu digestus, Benedicti Papae XV auctoritatis promulgatus*, (Romae Typis Polyglottis Vaticanis 1917) can. 542§2.
 11. AAS 17 (1925) 583.

Though the Pontifical Commission intended to make the matter clear, its interpretation of can. 542§2 was inadequate: Did the Commission mean the Religious Institute should actually have Oriental rite houses or province, or was it enough to have an intention to that effect? In either case, could such Religious Institutes admit indiscriminately candidates from any of the Oriental Churches? If only an intention was necessary, to which Church did the candidates belong and what liturgical and ecclesiastical disciplines were they to follow.¹² Answers to such questions were, to some extent, to be found in the *Motu Proprio* "Postquam Apostolicis Litteris", the then law for the Eastern rite Religious.

Can. 74 § 6 of the *Motu Proprio* was the inter-ecclesial norm with regard to the candidates to religious life: for licity, the written permission of the Congregation for the Oriental Churches was obligatory, but not for validity. There was an exception to this norm: those Religious Institutes which, according to can. 5 of the same *Motu Proprio*, had at least one juridically ascribed Oriental house, could admit the Orientals without the *licentia iure requisita*.¹³ The permission from the Congregation authorized the candidate to adopt the Latin rite; but he/she was to retain his/her own rite.¹⁴

The Code of Canon Law of 1983 has completely over-looked the admission of candidates to Religious Institutes belonging to Churches ritually different from those of the candidates concerned. We do not find norms to

regulate such admissions. This "omission" is all the more serious in the light of Vat. II conciliar teaching and exhortations. The Council has recommended (OE 6) to the Latin rite Institutes to open Eastern rite branches in view of fruitful apostolate. Likewise, there is a call to organise parishes and separate hierarchy for various rites in the same place, when necessary, to protect and to promote the welfare of different Churches *sui iuris* (OE 4, CD 23, 38). In such circumstances pastors and religious superiors need to know the *jus vigens* on, among other matters, the admission to Religious Institutes of both the Latin and the Oriental rites,¹⁵ for which an "exclusive" position is of no help with regard to Ecclesial Legislation.

The Code of Canons of the Eastern Churches (CCEO) has the norm for the inter-ecclesial admission to Religious life in canon 517§2: no one is lawfully admitted to the novitiate of another autonomous Church (*Ecclesia sui iuris*) without the permission of the Apostolic See, unless it is a candidate who is destined for a province or house, mentioned in can. 432, of his own Church.¹⁶ Thus, for example, if in the whole of the Latin rite Capuchin Order there is only one Oriental rite house which is ascribed to the Syro-Malabar Church, then the Capuchins can admit licitly Oriental rite candidates only from the Syro-Malabar Church, provided they are destined to the Syro-Malabar rite house. Or else, the Capuchins need the permission of the Apostolic See to admit lawfully Oriental rite candidates to their novitiate.

12. BROGI, "Ammissione di Candidati di rito Orientale...", 719-720.

13. C. PUJOL, *De Religiosis Orientalibus ad normam vigentis iuris* (Roma 1957) 272-274.

14. BROGI, "Ammissione di Candidati di rito Orientale...", 721-726.

15. BROGI, "I Cattolici Orientali in CIC", *Antonianum* 58 (1983) 241.

16. *Codex Canonum Ecclesiarum Orientalium*, in AAS 82 (October 18, 1990) can. 517§2.

Canon 517§2 and the Indian Church

The Catholic Church in India is formed of three Churches *sui iuris* in Catholic Communion, and these Churches are the Latin rite Church, the Syro-Malabar and the Syro-Malankara Churches. With regard to hierarchical institution, chronologically the Latin rite Church ranks first, while as a Christian Community both the Eastern rite Churches pre-date the former. Due to certain historical vicissitudes, the Eastern Churches of Catholic Communion in India are territorially confined to the major part, to the Southern-most part of India, and are, in terms of jurisdiction, considerably limited in comparison to the Latin Church, to which the whole of the sub-continent is juridically open. But, in practice, due to a shortage of vocations the Latin Church depends on the Eastern Churches for the necessary missionary personnel. This "limited-territorial" jurisdiction, to which the two Eastern Churches are subjected and the need on the part of the Latin Church to depend on the former, have caused much tension in inter-ecclesial relationships. The tense inter-ecclesial relationship places the missionary enterprise of the Church in India at stake. Likewise, it has an adverse effect on Religious Institutes with Eastern rite members. It is in this context that the inter-ecclesial norm on the admission to Religious life become meaningful

and necessary. Canon 517§2 is the relevant norm of the Oriental Code.

According to a study published in 1988,¹⁷ the number of the Oriental rite members of some of the Latin rite Religious Institutes of men in India counts more than hundred. Thus, the Order of the Discalced Carmelites, the Missionaries of St. Francis de Sales, the Society of Jesus, the Salesians of Don Bosco and the Order of Friars Minor Capuchins are some of the Religious Institutes of the Latin rite with a considerable number of the Orientals.¹⁸ Of these only the Friars Minor Capuchins have a province juridically ascribed to the Syro-Malabar Church, in Kerala.

Why an Oriental rite House or a Province ?

According to E. Corecco, all the rights and duties of the faithful recognized by the Second Vatican Council may be found under 12 titles, all of which he reduces into four basic categories.¹⁹ Of these four categories, there is the one pertaining to man's basic call to holiness: the right to a liturgical rite and spirituality.²⁰ A Christian is entitled to a liturgical rite and spirituality by virtue of his baptism in a Church. Commenting on the right of every Christian to a liturgical rite and spirituality²¹, Corecco rightly observes that it is derived from *jus divinum*²². Therefore, the right of every person

17. A. URUMPACKAL, *Vocations in India: The Clergy*, Kottayam 1988.

18. Ibid., 175-208; URUMPACKAL in another study on the Religious Women in India has brought to light (pp. 21-191) that there are 32 Congregations of women in India with Syro-Malabar rite members numbering between 100 and 494, but still they have no Syro-Malabar rite house or Province. *Vocations in India: The Religious Women*, Rome 1986.

19. E. CORECCO, "II Catalogo del doveri diritti del fedele nel CIC", *I Diritti Fondamentali della Persona Umana e la Liberta Religiosa* (Atti del V Colloquio Giuridico, 8-10 Marzo 1984 ed. F. BIFFI, Roma 1985, 104.

20. L. G. 11, 32, 39, 40, 41, 42, 44; J. ROVIRA, "I religiosi nel concilio Vaticano II", *Claretianum* 26 (1986) 282.

21. CIC, can. 214; CCEO, can. 17.

22. E. CORECCO, "II Catalogo del doveri-diritti del fedele nel CIC", 111.

to worship God according to his rite needs to be respected.

Liturgy and spiritual tradition together with theology and canonical discipline form the patrimony of a Church. This patrimony, distinguished by the culture and the history of the peoples, when expressed in its own manner of living the faith by each autonomous Church, is a rite.²³ Thus a rite belongs to a community and it is fully realized only in the context of a community. An individual in so far as he is incorporated into a community shares in its rite. Thus, for example, a Capuchin from the Syro-Malabar Church has a Syro-Malabar ecclesial patrimony and to live accordingly he needs to be incorporated into the Syro-Malabar Church both *de iure* and *de facto*. But, as a Capuchin it is not enough that he lives merely as a baptized person. He is a religious as well. Religious life by its juridical constitution is to be lived in the context of a community.²⁴ A Capuchin religious community is *de iure* of the Latin Church and it has the right and duty to live the Latin ecclesial patrimony. In a community having a Latin ecclesial tradition, an individual from the Syro-Malabar Church cannot live his own ecclesial tradition responsibly.

A religious house or a province is a juridical person by virtue of its canonical ascription to an autonomous Church, and has rights and obligations.²⁵ A religious Institute as a juridical person belonging to the Latin Church has the obligation to live the

Latin ecclesiastical traditions on an Institutional level. If a few of the members have an ecclesial tradition ritually different that of the institute, for harmony and peace that need to adapt themselves to the life of the Institute, but juridically they retain their original rite. But, in the case of Religious Institutes, as cited above, which have a considerable number of Oriental rite members, there is an obligation on the part of the Institute to form houses or a province juridically ascribed to the Church to which such members belong. Only then can the Oriental rite members of a Latin rite Religious Institute live fully, consistently and institutionally their ecclesial patrimony as desired and directed by the Church (OE. 6, LG. 32). Canon 517§2 of the Oriental Code ensures that the faithful of the Eastern Churches joining the Latin rite Religious Institutes have the opportunity to live according to their ecclesial patrimony.

Juridical Effects

By the juridical procedure called canonical ascription, the Church gives juridical / canonical status or recognition to a person / group of persons or an entity. It is a positive affirmation of its role and importance in the life of the Church.²⁶ When a religious house belonging to a Latin rite Institute is canonically ascribed to an Oriental Church, it is not a mere nominal affair. Instead, it has certain legal consequences.²⁷ By ascription, it becomes an Oriental rite religious house, subject to the authority and the laws of the

23. CCEO, can. 28§1.

24. CIC, can. 607, 608; CCEO, can. 410.

25. CIC, can. 113 & 114; CCEO, 920.

26. T. DOYLE "The Canonical Status of Religious Institutes", *Angelicum* 63 (1986) 616-617.

27. C. PUJOL, "Regimen domus orientalis ritus in religione latina", *Periodica* 50 (1961) 139.

Oriental Church. But, it doesn't lose its intrinsic nature of belonging to "a latin rite Institute." Lest the Oriental rite branch, be it a house or a Province, be cut away from the Latin rite Institute, canon 432 of the Oriental Code provides for its government: A dependent monastery, a house or province of a religious institute of any autonomous church, also of the Latin church, which with the approval of the Apostolic See is attached to another autonomous church, must observe the prescriptions of latter church, save for the prescriptions of the typicum or statutes which refer to the internal governance of the religious institute and the privileges granted by the Apostolic See.

By granting autonomy regarding the internal government of the house or province ascribed to the Oriental Church and preserving the privileges granted to the Latin rite Institute by

the Apostolic See, the Canon safeguards the rite of the Oriental branch to belong to Latin rite Institute and to live its charism, keeping its unity with the parent Institute. At the same time being subject in external government to the laws and the authority of the Oriental Church, the Oriental branch is helped to live its ecclesial patrimony.²⁸

To conclude, Canon 517&2, the *ius vigens* of the Oriental Code on inter-ecclesial admission to Religious life is the fruit of many juridical interventions of the Church in the past. It reflects the Vat. II conciliar exhortation (OE. 6) to the Latin rite Religious Institutes with members from the Eastern Churches. In the present Indian context, if all concerned make an earnest effort to study the spirit of the Canon and follow the directive faithfully, it will help all to experience the *Communio Ecclesiarum*.

Lawrence Thomas Paruthapara OFM Cap.

28. For a detailed study on the government of an Oriental rite branch of a Latin rite Religious Institute, one can profitably consult C. PUJOL, "Regimen domus orientalis Ritus in Religione latina", *Periodica* 50 (1961) 137-159.

Religious Among the St Thomas Christians and the Canonical Legislation on Religious of Oriental Churches

Introduction

Religious life¹ was known and practised by the St Thomas Christians² in India before the arrival of the Portuguese missionaries in the 16th century. However the exact nature of the religious life they followed is shrouded in obscurity due to lack of documents. Some ancient and medieval testimonies give a reasonable amount of evidence to support the existence of religious life from a very early period. In the first part of this study I propose to present a historical synopsis of Religious Life among the St Thomas Christians. The second part is about the canonical legislation on Religious

of Oriental Catholic Churches. This part is particularly relevant today because of the promulgation of the *Codex Canonum Ecclesiarum Orientalium*.

1. Religious among the St Thomas Christians

1.1. Early Testimonies

Regarding the spread of monasteries during the early centuries in the Syrian Orient, places of martyrdom or those where famous ascetics or monks lived or places connected with pagan cults were usually selected for monastic foundations.³ The St Thomas Christians always believed that

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1. "Religious life is the seeking of perfection by returning to God, in the fulfilment of the virtue of Religion, the worship and service due Him, and as such is followed by the members of every state of life. The Religious State on the other hand, is the permanent, obligatory seeking of perfection. It is a social, public, juridically recognized condition of certain members of the Church to whom are granted rights and privileges, and upon whom are imposed various obligations." R. A. HOCHWALT, *The concept: 'communi viventium sine votis'* (Rome 1957) 59. The term <Religious Life> is used in the sense <Religious State> in this treatise.
 2. ARSI, *Goa-Mal*, vol. 32, f. 530; vol. 65, ff. 3-12; 43v-44; F. ROS, *Relacao da Serra*, ff. 86-99v; A. S. ASSEMANUS, *Bibliotheca Orientalis*, III, 2, 413-453; *Soriani* (Syrians), Syrian Christians, Chaldeans, Syro-Chaldeans, Chaldeo-Malabarians, Malabar Syrians, Indian Syrians, Romo-Syrians, Malabarians and Syro-Malabarians are the other names used for this Church.
 3. A. VOEBUS, *History of Asceticism in the Syrian Orient*: CSCO, 197 (Louvain 1958-60) II, 298-302.

Mailapur, on the southeast coast of India was where the Apostle suffered martyrdom.⁴ According to St Ephrem the body of St Thomas was transferred from India to Edessa.⁵ Because of the accounts of the early monastic foundations at places of martyrdom, there is reason to credit the ancient and medieval testimonies about a monastery at Mailapur. Zadoc who wrote the life of Yonan⁶ the anchorite at the end of the fourth century is described as a priest, monk, and archimandrite of the monastery of St. Thomas in India south of Beith Kathraye.⁷ Zadoc received the anchorite Yonan of Anbar when he visited the Monastery of St. Thomas towards the middle of the fourth century. Putting together circumstantial evidences Alphons Mingana states that the India mentioned in the *Acta* is to be identified with Mazon, on the southern shores of the Arabian side of the Persian Gulf.⁸ Treating of the monasteries founded in mission areas A. Vööbus makes the following comment:

In many respects, the information embedded in the story of the hermit Jaunan is instructive. This document claims to come from Zadio, 'priest, monk and archimandrite of the monastery of Mar Thomas in the country of

India.' Where this outpost was situated is problematical ... Of course, there are data about the existence of the monastery of Mar Thomas, situated on the Coromandel Coast of India, but we have no way of knowing its age. It may be argued that if Gregory of Tours had the same monastery in mind when referring to the monastery of Thomas in India, then it may have existed already in the fifth century. But such a reconstruction of the scanty facts would involve too many conjectural elements. This disallows any great confidence on our part, however much we would like to assume that India also belonged to the orbit of monastic founders... The route from Persia to India was covered with monasteries that created new communication lines and enlivened the interchange in the spiritual life between these areas.⁹

Theodore, a 6th century pilgrim from Gaul, who visited Edessa and India, said that he saw a monastery in the region of India where St Thomas' body first rested.¹⁰ According to Mingana the India mentioned by Gregory of Tours was south Arabia and he confirmed it by the fact that Yakut makes

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4. H. HOSTEN, *Antiquities from San Thome and Mylapore* (Mylapore/Madras 1936) 232; cf P. J. PODIPARA, *The Thomas Christians* (Bombay 1970) 15-25.
 5. G. BICKEL, ed. *Carmina Nisibena* (Lipsiae 1866) hymn, 42.
 6. About the holy monk Yaunan, cf A. S. ASSEMANUS, *Bibliotheca Orientalis*, III, 2, 886-887.
 7. P. BEDJAN, ed., *Acta Martyrum, et Sanctorum* t. I (Paris 1890) 466-525.
 8. A. MINGANA, "The Early Spread of Christianity in India," *Bulletin of Rylands Library*, 10 (1926) 452.
 9. A. VOÖBUS, *History of Asceticism in the Syrian Orient*: CSCO, 184 (1958) I, 308, 310, 313.
 10. GREGORY OF TOURS (+ 594) *Miraculorum Liber* I, 32: PL 71, 733; cf P. J. PODIPARA, *The Thomas Christians* (Bombay 1970) 25.

mention of an old monastery of St Thomas (Diar Thuma), and quotes a poetical piece by Marrar al-Fak'asi about it. It is not possible, he said, that an early Arabian poet should have praised the beauty of a monastery situated in Ceylon or on the Coromandel Coast.¹¹

In the book *Barlaam and Ioasaph* (c. 750 A. D.) whose authorship is attributed to St. John of Damascus there are narrations about monastic foundations in India.¹² "Now when monasteries began to be formed in Egypt, and numbers of monks banded themselves together, and when the fame of their virtues and Angelic conversation 'was gone out into all the ends of the world' and came to the Indians, it stirred them up also

to the like zeal, insomuch that many of them forsook everything and withdrew to the deserts.¹³ From the expressions such as "The country of the Indians...lying far beyond Egypt...on the mainland it marcheth with the borders of Persia...One of the company of Christs' Twelve Apostles, most holy Thomas, was sent out to the land of the Indians, preaching the Gospel of Salvation."¹⁴ the land is to be identified with modern India.

An East Syrian writer, 'Amr, ibn-Matai (c. 1350) wrote: "His tomb (St Thomas') stands on the peninsula Meilan in India, to the right of the altar in the monastery bearing his name."¹⁵ The word *dair*, used by 'Amr, is almost exclusively used to express a monastery.¹⁶ 'Meilan' could be a

11. A. MINGANA, "The Early Spread of Christianity", 452. It is to be remembered that Jewish relations with India date back to at least the 10th century B. C. and the Assyrians, Chinese, Arabs, Greeks and Romans had commercial relations with India. Cf S. S. KODER, *Kerala and her Jews* (Ernakulam 1965) 49; M. O. JOSEPH, *Kerala Kristianikal* (Malayalam) (Alleppey 1972) 31-34.
12. "There is a tradition in favour of St. John of Damascus as the author of *Barlaam and Ioasaph*. The book was written during the Iconoclastic Controversy, in the eighth century, probably at a time when the Iconoclasts were in the ascendant (c. 750 A. D. ?). It was written either by St. John of Damascus himself or by another monk bearing the name of John, who was intimately acquainted with the works of the Damascene..." J. DAMASCENE, *Barlaam and Ioasaph*, G. R. WOODWARD & H. MATTINGLY, trns. (London 1962) xiv.
13. J. DAMASCENE, *Barlaam and Ioasaph*, 9.
14. J. DAMASCENE, *Barlaam and Ioasaph*, 7, 9.
15. "Sepulchrum ejus exstat in insula Meilan (ita maliaporam vocant Arabes) in India, ad dexteram altaris in ejusdem monasterio." A. S. ASSEMANUS, *Bibliotheca Orientalis*, III-2, 34.
16. A. MINGANA, "The Early Spread of Christianity", 454-455. However Mingana says that the first truly circumstantial and historical mention of a Church of St. Thomas in our modern India is made by western travellers of the lower Middle Ages but although all mention a Church or a Shrine of St. Thomas none of them speaks of a monastery bearing his name. Hence he makes the following comment with regard to the existence of a monastery of St. Thomas in Mailapore: "Relying on the favourite theme of confusion between S. Arabia and real India, could we not suppose that 'monastery of Thomas' of the western writers situated in South-East

corrupt form of Mailapur.¹⁷ The Saracen, Muffazul ibn Abil Fazail (1358) in the history of the Mamlouk Sultans wrote.

From there [Ceylon] the pilgrims go to visit the monastery of Mar Touma, which possesses the eternally living hand of one of the disciples of Our Lord, the Messiah ... The pious visitors cannot terminate their pilgrimage before they have visited four (consecrated) places and it is in this that the complete pilgrimage consists: the four ceremonies consist in visiting the tomb of Ratan Moammar as Saheb ..., the monastery of Mar Touma, who was one of the Apostles, (the tomb of) Sultan Mahmoud, who conquered the countries of Hindustan.¹⁸

Placid J. Podipara is of the opinion that it was the same monastery that the East Syrian bishops (who came to Malabar in 1504) mentioned when they wrote to their Patriarch, "the house ('umra) of the holy Apostle Thomas" in Mailapur was inhabited by Christians who were restoring it.¹⁹

The narratives of Joseph the Indian, a priest of the St Thomas Christians, who was in Lisbon, Rome and Venice in 1501,²⁰ give further details. The reports are now in Italian, Latin, German, Dutch and French.²¹ The Italian text states: "They have monks clothed in black, who live in great poverty and chastity, and so do the nuns."²² The Latin version is "They have hermitages where the black monks live in perfect continence. And they also have many nuns."²³ The Dutch

Arabia or would it be possible to suppose that between A. D. 394 and 594 some monks from the older monastery of St. Thomas on the coast of Oman had gone to Mailapore and built a new monastery of Thomas on the supposed spot where he had suffered martyrdom?"

17. A. E. MEDLYCOTT, *India and the Apostle St. Thomas* (London 1905) 96.
18. MUFFAZZAL IBN ABIL-FAZAIL *Histoire des Sultans Mamlouks* (ed.) E. BLOCHET: P. O. 20 (1929) 192, 193; English trans. from A. M. MUND-ADAN, *History of Christianity in India*, I (Bangalore 1984) 57.
19. Bibliotheca Vaticana, *Vol. Syr. 204*, ff. 154-160; cf. P. J. PODIPARA, *The Thomas Christians*, 26. "The first authentic Syriac document which speaks of monastery in true India bearing the name of Thomas, is to our knowledge, the letter of Nestorian bishops... in which the word used is *umra*, which commonly means monastery, but which is also used sometimes in the sense of a (church in which there is shrine of a saint) ... It was however known to the Nestorian authors of the fourteenth century that a monastery of St. Thomas existed in India." A. MINGANA, "The Early Spread of Christianity", 454-455.
20. A. VALLAVANTHARA, *India in 1500 AD, The Narratives of Joseph the Indian* (Mannanam 1984) xix.
21. A. Vallavanthara made a study on the sources of the Italian, Latin and Dutch versions of the narratives of Joseph the Indian.
22. "Hanno monaci vestiti di nero i quali vivono in grandissima povertà & castità: similiter monache," *Paesi Novamente Retrovati et Novo Mondo da Alberico Vesputio Fiorentino Intitolato* (Vicentia 1507) chapter CXXXIII; cf. A. VALLAVANTHARA, *The Narratives of Joseph the Indian*, 176.
23. "... Habent Coenobia, ubi continentissime vivunt monachi nigri; habent etiam sanctimonialia quamplures..."; A. MADRIGNANO (trans.) *Itinerarium portugallensium e Lusitania in India inde in occidentem ac demum ad aquilonem* (Milan 1508) chapter CXXXIII; cf. A. VALLAVANTHARA, *The Narratives of Joseph the Indian*, 177.

is similar: "They have hermitages, where black monks live in exceptional chastity like their priests; and the virgins in the hermitages of women."²⁴ The Italian version speaks of chastity and poverty while the Latin and Dutch do not. On the question of chastity, the Italian and Dutch use the term chastity, (*castita* and *kuysheid*) whereas the Latin uses the expression (*continentissime*).²⁵ In the Latin and Dutch texts the monks are called 'black monks' while in the Italian it is stated that 'they have monks clothed in black'. In spite of the minute differences noticed between the various versions of the same report, there is a clear indication that religious life existed there ²⁶

Goes, depending on the narratives of Joseph the Indian, confirms the existence or religious life: "They have monasteries of monks, who wear a black dress. There are nuns too of the

same order. Both monks and nuns live in great observance, honesty, chastity and poverty."²⁷ Raulin (1745) while writing about the Christians in Malabar, quoting Osorius (1586) records" ...Among them there exist brotherhoods of monks as well as communities of sacred virgins who are housed in separate buildings; chastity is being kept by them with utmost diligence...."²⁸ The texts from Goes (1566) and Osorius (1586) are but paraphrases of the text from Joseph the Indian's narratives (1502).

I. 2. Sixteenth Century and Later Documents

Another document of the sixteenth century which gives further information about *Rabbans* or monks in Angamaly is 'Vatican Syriac Codex'.²⁹ The Vat. Syr. 2 is written at the Holy Church of Mary, Mother of Light and Life at Angamaly in 1558 by George

24. Hebben Kloosters, waar in Swarte Monicken leven in een sonderlinge Kuysheyd; gelijk ook hare Priesters, en de Maagden in de Vrouwen Kloosteren doen." P. VANDER, *sonderlinge reysen van Joseph den geboornen Indiaan* (Leyden 1706); cf. A. VALLAVANTHARA, *The Narratives of Joseph the Indian*, 236-237.
25. A. VALLAVANTHARA, *The narratives of Joseph the Indian*, 284.
26. There could be difficulty about the narrations of Joseph the Indian i. e. whether or not he was speaking about the East Syrian Church in general as his own Church! But the following description of A. Vallavanthara who made a detailed study of the Narratives of Joseph the Indian and published a critical edition of the text may resolve this difficulty: "For students of ecclesiastical history and theology, the Narratives of Joseph the Indian are a mine of information about the life and traditions of St Thomas Christians of Malabar at the beginning of the 16th century. From them we come to know about their ecclesiastical system, liturgical life, sacraments, monastic system and spirituality." A. VALLAVANTHARA, *The Narratives of Joseph the Indian*, 63.
27. "Tem mosteiros de mōjes que se vestem de panos pretos, & da mesma ordem hos hai de freiras, que vivem com muita observancia, honestidade, castidade, & pobreza, assi hūs, quomo hos outros". D. GOES, *Cronica do Felicissimo Rei D. Manuel 1566*, I (ed. Coimbra 1949) 237.
28. "...Extant praeterea apud illos, & Monachorum Sodalitia, & Virginum sacrarum coetus; aedibus tamen semotis includuntur; atque ab illis, summo studio, pudicitia conservatur". J. F. RAULIN, *Historia Ecclesiae Malabaricae cum Synodo Diamperitana* (Romae 1745) 389.
29. Cf BV, *Fondo Vaticano Syriaco*, 2 & 3.

specified as "Rabban-Presbyter", and "Presbyter and monk."³⁰ Francis Ros in his report of 1604 mentioned about the *hermida* at Angamaly.³¹ In 1606 he addressed his statutes also to the *Rabbans* in his diocese.³² Antonia Gouvea's writing about the customs of the Christians of St Thomas made the following observation. "Some old men and widowers, who do not want to marry any more, and those who have gone on pilgrimage to San Thome (Mylapore), and who consider themselves more as religious, shorten their hairs and have them cut as we do."³³

Paulinus of St Bartholomew was a missionary in Malabar in the 18th century. He wrote that in Malabar there were ruins of monasteries at Kuravilangat and in a few other places.

According to him the monastery at Kuravilangat was inhabited by Nestorians from Persia and Chaldea.³⁴

After the arrival of the missionaries a religious institute, 'The Congregation of St. Thomas the Apostle', was founded by Archbishop Brito of Cranganor and Archdeacon George. The Archbishop officially erected it on 5 February 1626³⁵ and modelled it on the Oblates of St. Charles Borromeo.³⁶ The Archdeacon wanted the monastery to be according to the Oriental tradition and requested the permission of the Pope (1 December 1624) to found a religious order under the rule of St. Basil.³⁷ On this petition the favourable decision made by the Holy See did not take effect due to the protest of the agent of the Portuguese Crown

30. BV, *Fondo Vaticano Syriaco*, 2, ff. 2 and 176 in S. E. ASSEMANUS, J. S. ASSEMANUS, *Bibliothecae apostolicae Vaticanae codicum manuscriptorum catalogus*, pars I, t. II (Romae 1757) 6. Rabban George, copyst of this codex and probably also of Vat. Syr. 3, can be identified with the professor who as the head of the Angamaly school was teaching the Sacred Scripture for about fifty years. Cf. J. KOLLAPARAMBIL, *The St. Thomas Christians' Revolution in 1653* (Kottayam 1981) 20, 23.
31. "A hermida de S. Gervasio et protasio que esta' em Angamale tem a invocação de S. Gervasio e. S. Protasio. He' muy antiga." Report of Bishop Ros in 1604, BML, MS Add. 9853, f. 98v.
32. Cf BV, *Fondo Borgiano Indiano*, 18.
33. A. GOUVEA *Jornada do Arcebispo de Goa dom Frey Aleixo de Menezes*, (Coimbra 1606) 61v. From the description of Gouvea it is not clear whether these people are religious or not.
34. B. PAULINUS, *Viaggio alle Indie Orientali*, (Roma 1796) 5.
35. J. KOLLAPARAMBIL, *The St. Thomas Christians Revolution in 1653* (Kottayam 1981) 48.
36. E. R. HAMBYE, "The Congregation of St. Thomas, a Society for Priests in Malabar" (*Orientalia Christiana Analecta* 186, Roma 1970) 123-128.
37. We quote the pertinent part of Archdeacon's letter. "Perciò molti patriarchi fondarono religioni che giudicandosi molto necessarie e per la salute delle anime e per l'aumento e propagatione della legge evangelica, furono tutte confirmate dalla Sede Apostolica così in Europa come nell' Asia, e molto frutto nella Chiesa di Dio; e queste mancando questa Christianita, invidia alle altre nationi. Supplica Vostra Santità affettuosissimamente come figli il Padre loro, e Pastor Universale della Chiesa Cattolica a coi figli rappresentano la necessita loro, indirizzate alla salute dell'anime, resti servita concedere un Breve per erigere alcuni monasterii in questa Christianita per quei che vorranno vivere retirati, et in clausura et in Santa contemplatione sotto la regola di San Basilio; e finito il novitiato possono fare professione

to it.³⁸ Because of the rivalry between Archbishop Brito and Archdeacon George as well as the unfavourable policy of the Jesuits towards the Recollects the congregation did not flourish nor continue for long. "We do not know exactly when the house came to an end...It must have disappeared between 1652 and 1657."³⁹ The report of Fr. Peter Paul considered at the general congregation of the Propagation of the Faith on 15

November 1689 provides interesting information about the Recollects in bygone days and the usefulness of founding a new *istituto regolare* for the native missionaries.⁴⁰ We have no information why Fr. Peter Paul's proposal did not work out.

The end of the 19th century and the beginning of the 20th witnessed renewed enthusiasm among the St Thomas Christians for religious life and many religious congregations came into

e voto solenne in mano dell' Arcivescovo d'Angamale o di qualsivoglia altro Prelato, di qualsivoglia religione approvata." ARSI, *Goa 68*, ff. 2,5. There is also a Latin version of the letter, cf. ARSI, *Goa 68*, ff. 3-4. Cf J. KOLLAPARAMBIL, *St Thomas Christians Revolution*, 46. It seems strange that Archdeacon George of the Cross, who was Archdeacon of the Malabar Church from 1593-1640, in his letter of 1 December 1624 did not mention monasteries among the St Thomas Christians in bygone times. In fact he noted that several Religious institutes founded by the "Patriarchs" and confirmed by the Holy See had been of great help for the faith in Europe and Asia and lamented..." e questa mancando questa Christianita, invidia alle altre nationi."

38. J. KOLLAPARAMBIL, *The Archdeacon of All-India* (Rome 1972) 126-128.
39. E. R. HAMBYE, *The Congregation of St. Thomas*, 128. Vincenzo Maria speaks of Recollects. He was in Malabar in 1657. Cf F. VINCENZO MARIA, *II Viaggio all Indie Orientali*, (Roma 1672) 146-147. So it was not extinct in 1657.
40. "La Cristianità di S. Tomaso hebbe sin dal principio una Congregatione di Monaci con i voti essenziali, clausura et obbedienza ad un capo ad imitatione, si crede dei loro monaci Soriani li chiamarono Recoletti di grandissima stima fra di loro et essendosi da molti anni questa estinta, di che se ne sente gran pregiudizio, pregano la Sac. Cong. ne voglia dare mano ad istituirla di nuovo, con assegnarli regole proprie, non trovandosi le passate. Il Supplicante per le istanze fattegli da molti di volere vivere con istituto regolare, riflettendo all'utilità grandissima, che si possono cavare dall'habilità dei natural ad essere buoni missionarij nel proprio paese et alli intenti tanta volte imposti da questa Sac. Cong. ne à missionarij propone, che si riponga in essere la suddetta congregatione dei Monaci Recoletti istituita dai PP. Missionarij totalmente però subordinati agli Ordinarij e con regole proportionate, acciò possino servire le chiese di Parochi, al proprio paese di missionarij, senza che una casa habbia dipendenza dall'altra, ne una casta superiore (come essi dicono) si meschi, e comunichi con l'inferiore e di ciò ne proponerà il supplicante le regole all' EEVV. per la loro approvazione giudicando che questo medemo Istituto introdotto in altre missioni, puol essere un mezzo molto efficace a facilitare la propagatione dell'Evangelo, et á stabiliruisi contro le persecutioni dei Tiranni, quando vi succedessero." APF, *Congregationi Particolari Serra del Malabar 30* (1689) 505v-506.

existence. At present there are five⁴¹ men's religious congregations and seventeen women's religious congregations⁴² in the Sryo-Malabar Church.

2. Canonical Legislation on Religious of Oriental Churches

Religious life as an institution of the Church has its origin in the Christian East.⁴³ "In the East are to be found the riches of those spiritual

traditions which are given expression in monastic life especially. From the glorious times of the holy fathers, that monastic spirituality flourished in the East which later flowed over into the Western world and there provided a source from which Latin monastic life took its rise and has often drawn fresh vigour ever since (UR 15§4). In the Eastern Churches there was only one monastic state, to which all monks and nuns belonged.⁴⁴ Orders and Congregations are of later origin in the

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41. 1. Carmelites of Mary Immaculate (Foundation 1831, canonical approval 1856, approval of the Constitutions 1885). 2. Missionary Congregation of the Blessed Sacrament (Foundation and canonical erection 1933). 3. Congregation of St. Theresa (CST Brothers) (Foundation 1931, canonical erection 1915). 4. Little Flower Congregation (CST Fathers) (Foundation 1931, canonical erection 1915). 5. Malabar Missionary Society (Foundation and canonical erection 1948). Cf. S. VADAKEL, J. THALACHELLOOR, "Religious Institutel Societies, Secular Institutes and Pious Unions" in PAYNGOT, C. ed. *Homage to Mar Cariattil (Rome 1987)* 143-145.
 42. 1. Congregation of the Mother of Carmel (Foundation and canonical erection 1866), 2. The Franciscan Clarist Congregation (Foundation 1888, Canonical erection 1906), 3. Visitation Congregation (Foundation and canonical erection 1892), 4. Congregation of the Adoration of the Blessed Sacrament (Foundation 1908. Canonical erection 1911), 5. The Sacred Heart Congregation (Foundation 1911. Canonical erection 1931), 6. Congregation of the Holy Family (Foundation and canonical erection 1914), 7. Sisters of the Destitute (Foundation and canonical erection 1927), 8. St. Joseph's Congregation (Foundation and canonical erection 1928), 9. Medical sisters of St. Joseph (Foundation and canonical erection 1944), 10. Charity Sisters of Francis of Assisi (Foundation and erection 1944), 11. Institute of the Sisters of Nazareth (Foundation 1945. Canonical erection 1948), 12. Sisters of St. Martha (Foundation and canonical erection 1948), 13. Assisi sisters of Mary Immaculate (Foundation and Canonical erection 1949), 14. The Missionary Sisters of Mary Immaculate (Foundation 1960. Canonical erection 1973) 15. Samaritan Sisters (Foundation and canonical erection 1961), 16. Society of Nirmala Dasikal (Foundation and canonical erection 1971) 17. m The Daughters of St. Thomas (Foundation 1969. Approval of the Constitution and Rules 1990). Cf. S. VADAKEL, J. THALACHELLOOR, "Religious Institutes", 146-150; *Directory of the Daughters of St. Thomas the Apostle* (Palai 1990) ii.
 43. "Monastic life had its origin in the East but later it was introduced in the west by St. Athanasius (295-373) and St. Ambrose (d. 397) in Italy, and it soon spread into the other part of the Christian world", T. SCHAEFER, *De Religiosis ad Norman Juris canonici*, (Roma 1947⁴) 22.
 44. V. POSPISHIL, *The Law on Persons* (Ford City 1960) 238.

Eastern Churches and are imitations of the western Church.⁴⁵

Religious Orders or Congregations as known in the Western Churches never existed in the East. Neither did the eremitical communities in Palestine have any written rules as we understand them. Each group of hermits obeyed its own series of precepts, or monastic regulations often handed down verbally, and known as *typica*. All the communities, whether eremitic or cenobitic, were directly subjected to the bishop of the diocese, and indirectly to the Patriarch.⁴⁶

The religious in the Oriental Churches were directed by norms and rules given by the fathers of monachism, the canons of ecumenical and particular synods decrees of patriarchs and other hierarchs, ordinances of the civil governments and the *typica* of individual monasteries, imposed either by the founders themselves or by some reforming superiors.⁴⁷ Until the publication of the *Motu Proprio, Postquam Apostolicis Litteris*⁴⁸ on 9 February 1952 we find

no common Law regulating the life of religious in the Oriental Catholic Churches.⁴⁹ A codification was urgently needed "not only because of the intention to produce a complete code of the entire Oriental canon law, but also to help the remnants of genuine Oriental tradition among the religious preserve, and sometimes recreate, their Oriental characteristics."⁵⁰ However the Oriental rite religious institutes organized in the last centuries as orders, congregations or societies without public vows in their structure and in other details conform to the norms of the CIC 1917.⁵¹

2. 1. A Common Law for the Religious of Oriental Churches

Pope Pius XI initiated the process of codifying a common law for the Oriental Churches in 1929 and set a commission.⁵² In 1935 the same pontiff constituted the *Pontifica commissio ad redigendum «Codicis Iuris Canonici Orientalis»*.⁵³ The work of this commissions lasted thirteen years and the full text of the Code of 2666 canons was

45. A. WUYTS, "De Monachis Ceterisque Religiosis in Motu Proprio Postquam Apostolicis Litteris," *Periodica de Re Morali Canonica Liturgica*, 42(1953)8.
46. P. F. ANSON. *The call of the Desert*, (London 1964) 36.
47. P. P. DE MEESTER, *De Monachio Statu Iuxta Disciplinam Byzantinam*, *Fonti*, S. II, F, 10 (Romae 1942)3; FONTI *Codificazione Canonica Orientale Studi Storici sulle Fonti del Diritto Canonico Orientale VIII* (Roma 1931) 17.
48. The *Motu Proprio Postquam Apostolicis Litteris* (cc 1-231) gives the common law on religious life of the Oriental Churches. AAS 44(1952) 67-152.
49. Cf. A. G. CICOGNANI, Preface in *Codificazione Canonica Orientale, Fonti I* (Romae 1931) iii-xv.
50. V. POSPISHIL, *The Law on Persons*, 233.
51. V. POSPISHIL, *The Law on Persons*, 235.
52. AAS 21 (1929) 669; Cf. M. BROGI, "Codificazione del diritto comune delle chiese orientali cattoliche," *Rivista Espanola de Derecho Canonico*, 45 (1988) 10-30. The author systematically presents the processes of the codification of a common law for the Oriental Churches; C. GALLAGHER, "The Revised Code of Eastern Canon Law and the Second Vatican Council," *Seminarium* 26 (1987) 128, in note no. 1 the author gives a comprehensive treatise on the process of the codification of Oriental Canon Law till the "Schema Codicis Iuris Canonici Orientali."
53. AAS 27 (1935) 306-308.

ready for publication in 1948⁵⁴, though the entire code was never published. Instead Pope Pius XII promulgated four *Motu Proprios*, comprising laws on marriage, ecclesiastical tribunals, religious and temporal goods of the Church and on persons.⁵⁵

Pope Pius XII in the promulgation letter of the *Motu Proprio Postquam Apostolicis Litteris* gave the reason for publishing a common law for religious of the Oriental Churches. He said:

...experience soon showed that the norms of the ancient law had to be perfected and adapted to the needs of the present time, so as to be made more concordant and helpful to the life and progress both of the monks and of those who have embraced other later forms of evangelical perfection: We refer to the Orders, Congregations, and Societies of men who, although they have not publicly professed the three customary religious vows, are yet bound by the ties of religious community life. These defects will easily be discerned by anyone who reads either the laws which are still in effect regarding the forms of religious institutes, or the prescriptions which have been enacted by recent Synods for this reason.

Among other measures which the Sacred Congregation of the Oriental Churches proposed to undertake, the principal one was this: to revise, amend and improve the said statutes and decrees. The obstacle to the fulfilment of this most urgent and well conceived plan is that there is as yet no common primary legal norm which may serve as a guide for the other changes and amendments which ought to be made. For this reason we judged it most opportune that these canons on religious life should be promulgated.⁵⁶

In substance the canons promulgated were faithful to the ancient sources. The monastic rules of Basil the Great are referred in 27 canons.⁵⁷ "The monastic rules of St. Pachomius are mentioned among the sources of 14 canons.⁵⁸ The works of Saint Athanasius the Athonite are indicated as sources of canons.⁵⁹ Most numerous of all are the reference to Saint Theodore the Studite which are given for 43 of the canons on religious.⁶⁰ Thus one could gain the impression that the *Motu Proprio* on monks and religious was principally based on the writings of those four Oriental monks."⁶¹ To some extent this is true, because all rules on religious and monks have some roots in the ancient monasticism that originate in the East.

54. *Oriente Cattolico Cenni Storici e Statistiche* a cura della Sacra Congregazione per la Chiesa Orientale (Citta del Vaticano 1962) 46.

55. *Motu Proprio: Crebrae Allatae*, AAS 41 (1949) 89–119; *Motu Proprio: Sollicitudinem Nostram*, AAS 42 (1950) 5–120; *Motu Proprio Cleri Sanctitati* AAS 49 (1957) 433–603.

56. *Motu Proprio Postquam Apostolicis Litteris* 3. The English translation is from *Canon Law Digest*, ed., T. L. BOUSCAREN, 3 (1960) 131–135.

57. P. A., cc. 1, 2, 11, 35, 48, 62, 69, 71, 74, 77, 97, 107, 112, 117, 135, 136, 137, 139, 151, 152, 157, 182, 195, 208, 312, 313.

58. P. A., cc. 1, 2, 37, 38, 71, 98, 136, 137, 141, 143, 151, 152, 153, 157.

59. P. A., cc. 29, 35, 48, 64, 71, 74, 106, 136, 137, 183, 313.

60. P. A., cc. 1, 26, 29, 31, 34, 35, 36, 37, 38, 48, 62, 64, 69, 73, 74, 75, 99, 105, 106, 107, 109, 112, 116, 123, 135, 136, 137, 138, 139, 141, 143, 157, 161, 175, 182, 195, 196, 204, 206, 207, 223, 312.

61. IZUZEK, "The Ancient Sources of Canon Law and the Modern Legislation for Oriental Catholics", in *Kanon* 1 (1975) 156.

There are some important differences between the Latin Code and the Oriental M. P. on religious, especially as regards the canons on Monks, which were introduced after a careful study of the works of the above mentioned Saints. But for the most part, the canons of the M. P. were taken, verbatim from the Latin Code.⁶² Though the canons promulgated were faithful to the ancient sources, they reflected the unifying tendency of the epoch and left very little to the creativity of Individual religious institutes.⁶³ Another criticism with regard to the M. P. is that it is over influenced by Byzantine sources. A code intended for all the Oriental Churches both Byzantine and non-Byzantine has, except for a very limited number of foot notes that refer to sources of other Churches. It disregarded the genuine traditions of the non Byzantine Churches, that is of Armenian, Coptic, Ethiopian, Chaldian, Maronite, Malabar and Malankara.⁶⁴ We have 3 references to the canons of Rabbula⁶⁵ and fourteen to the Monastic rules of Saint Pachomius of Egypt.⁶⁶

2.2 Codex Canonum Ecclesiarum Orientalium

The conciliar and post-conciliar era has witnessed many changes in the canonical legislation on religious in the Latin and Oriental Churches. After the Vatican Council II there was a felt need for the revision of the *ius-vigens* of the Oriental Churches promulgated in four *Motu Proprios. Ecclesiae*

Sanctae II and Orientalium Religiosorum have introduced a few changes in the canonical norms of M. P. *Postquam Apostolicis Litteris.* Pope Paul VI, on June 10, 1972, instituted a pontifical commission for the revision of the Code of Oriental Canon Law,⁶⁷ substituting the commission for the redaction of the Eastern Code of Canon Law instituted by Pope Pius XI. Its specific scope was to revise the law in accordance with the teaching of Vatican Council II. In the allocution on the occasion of the inauguration of the work of the commission Pope Paul VI said:

When we institute this commission for the revision of the code of Oriental Canon Law, we would like to respond to the requests which were put forward by many Oriental hierarchs and finally by the Sacred Congregation for the Oriental Churches itself; in order that the parts either already published or not yet published of the Code of Oriental Canon Law, should be revised according to the mind of the Fathers of the II Vatican Council and according to the genuine Oriental tradition. The members of the commission are ordinators and not authors or makers of law.⁶⁸

The Pontifical Commission has been working steadily since 1974 and the procedure is clearly explained in the official communication of the Commission.⁶⁹ The CCEO is divided into 30 'titles' subdivided into 'chapters'

62. Here are some examples: PA 36 (CIC 1917 508), PA 38 (CIC 509), PA 48 (CIC 530), PA 64 (CIC 532). For this canons the Latin code refers exclusively to Latin Sources where as PA refers to St. Theodore the studite, St. Pachomius St. Athanasius the Athonite and the Monastic rules of St. Basil.
63. M. BROGI, "Codificazione del diritto comune," 14.
64. I. ZUZEK, Opinions on the Future Structure of Oriental Canon Law, *Concilium* 8(1967) 71-72.
65. Cf F. NAU, *Les canons les resolutions canoniques de Rabboula* (Paris 1906) is quoted in PA 137 § 1 (can. 11), PA 141 § 1 (can. 1), PA 268 (can. 65).
66. Supra, Note no. 58.
67. *Annuario Pontificio* 1973, 1417; cf *Nuntia* 1 (1975) 11; *Attività della Santa Sede* (1979) 1165.
68. AAS 66 (1974) 247. 69. *Nuntia* 14 (1982) 110-111.

and 'articles'. The revised law on religious "*De monachis ceterisque religionis necnon de sodalibus aliorum institutorum vitae consecratae*" in its very structure, shows a revised approach to religious life. It is more simplified than the law that was promulgated in M. P. *Postquam Apostolicis Litteris*.⁷⁰

The renewed understanding of the Council to proper laws (*ius proprium*) of religious institute is evident in the 1983 Code of Canon Law (CIC). Canon 586 §1 states "A true autonomy of life especially of governance is recognized for each institute. This autonomy means that each Institute has its own discipline in the Church and can preserve whole and the entire patrimony described in C. 578" The proper discipline of the institute consists of the fundamental Code or the constitutions and other supplementary codes proper to the institute.⁷¹ The canons of the CCEO often states that a specific matter be treated in the typicum or in the Statutes. The extensive nature of proper law in CIC 1983 is not taken into consideration in CCEO. Its formulations always limits the proper law to Typica or Statutes.

Conclusion

Although early testimonies do not provide sufficient information about the nature of Religious life that men and women in India followed during the early centuries, they do give a reasonable amount of evidence to infer that religious life existed among the St Thomas Christians before the arrival of the Portuguese. Probably those religious were monks who led a life similar to those of Mesopotamia.⁷²

A survey of the religious congregations that have their origin in the Syro-Malabar Church gives an idea of the rich religious treasure of this apostolic Church. The resurgence of

religious life among St Thomas Christians after the partial restoration of the hierarchical structure of the Syro-Malabar Church in 1887 is mainly due to the indigenous bishops and the popular support. However none of the religious Institutes founded after the 16th century were in the Oriental pattern. All were organized in the structural pattern of Congregations in the Latin Church. According to the mind of the Catholic Church and especially of Vatican II it is imperative that these Congregations take pains to harmonize their religious life with their specific Oriental heritage and ecclesial identity. The religious life should necessarily bear its specific ecclesial character.

A close examination of the religious institutes for women in the Syro-Malabar Church shows that many of them are in the same geographical area with a similar charisma of spirit and are involved in the same kinds of apostolic works, viz. care of orphans, education, hospital ministry, family apostolate etc. It is hoped that the Syro-Malabar Bishop's Conference will pay attention to Vatican Council II "...the bishops in their conference should take care that congregations pursuing the same apostolic aims are not multiplied to the detriment of religious life and the apostolate" (AG 18).

The revised law on religious promulgated in *Codex Canonum Ecclesiarum Orientalium* has gone a long way in implementing the directives laid down by the Second Vatican Council. An apparent influence of conciliar and post-conciliar documents on religious life is evident in the formulation of the canons.⁷³ The principle of subsidiarity is taken into serious consideration and is extended to many areas of religious life.

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70. While in the MP there were 231 canons; in CCEO there are only 163 canons.

71. Cf *Codex Iuris Canonici*, c. 587.

72. Further details on the life of monks and nuns in Mesopotamia during the early centuries: A. S. MARGRET, *La Congregazione Caldea delle Figlie del Sacro Cuore di Gesù* (Roma 1988) 14-24.

73. Especially the Post-Conciliar documents *Ecclesiae Sanctae, Renovationis Causam* AAS 61 (1969) 103-120, *Orientalium Religiosorum*, AAS 64 (1972) 738-743.

Liturgy and the Local Hierarchy

The Church which is a sheepfold (Jn. 10,1. LG.6), which is compared to the house of God (I Tim. 3:15) is called in the liturgy the Holy City, the heavenly Jerusalem, "urbs Jerusalem beata" and "coelestis urbs Jerusalem". She is "that Jerusalem which is above," the "spotless spouse of the spotless Lamb" (Apoc. 19:7). Christ delivered himself up for her that he might sanctify her so that she "might be joined to him in love and fidelity" (Eph. 5:29). The Church in other words, is a worshipping community. What is meant by saying this is that Christ has to be formed in her members. In other words, the purpose why Christ founded the Church is that all her members might have eternal life by knowing and loving God and his only begotten Son (cfr. Jn. 17:3).

This act of praise and adoration is a foretaste of heavenly Jerusalem. In heaven, the redeemed as also the Cherubim and Seraphim and all the angels and archangels praise and adore Jesus, the Lamb. In the song of the Resurrection recited in the Syro Malabar liturgy, daily, we join with the celestial choir in this act of adoration and thanks giving: "Lord of all, we praise you., Jesus Christ, we glorify you., because you are the resurrector of our bodies and the Saviour of our souls" ('Laku Mara' of the Syro Malabar Liturgy). Both, therefore, as the people of God in general and as the heavenly Jerusalem, the Church praises and adores God. That is why we said that the Church is a worshipping community. In fact, this is the purpose for which Christ instituted the Church and wanted his

disciples to go and preach the gospel to every creature baptising them in the name of the Father, the Son and the Holy Spirit. The Church so far lives according to the mind of Christ, as far it adores God and manifests itself as a true worshipping community. This brings us to the conclusion that everything which the Church does, whether it be preaching or fasting or doing other forms of apostolate should help it to be what Our Lord wanted it to be i. e. to be adoring.

Liturgy and the Bishop

The Vatican Council II speaks of bishops in the different Documents as the successors of the Apostles: "A bishop marked with the fullness of the sacrament of Orders is a steward of the grace of the Supreme Priesthood, especially in the Eucharist which he offers or causes to be offered, and by which the Church constantly lives and grows" (LG. 26). Moreover, "every legitimate celebration of the Eucharist is regulated by the bishop, to whom is committed the office of offering the worship of christian religion to the divine Majesty and of administering according to the Lord's commandments and with the Church's laws as further defined by his particular judgment for his diocese" (LG. 26).

Regarding the regulations of sacred liturgy, the Constitution on Liturgy so says: "Regulation of the Sacred Liturgy depends solely on the authority of the Church, that is on the Apostolic See and, as laws may determine, on the bishop." (n. 22) The question could here be asked whether this be a principle of the latin church alone, the Pope being its patriarch or for all

the individual Churches. In the Eastern Churches where the proper form of jurisdiction is present such as the patriarchate or the Major Archiepiscopate, the Patriarch or the Major Archbishop with the Patriarchal Synod is entitled and empowered to regulate the liturgy of the proper Church. However, where this structure is not realized, what is given in n. 22 of the Constitution of Sacred Liturgy is relevant: i. e. the Apostolic See is the sole authority to regulate the liturgy of an individual Church. As far as it is given, the bishops also share in this power. Paragraph 3 of the same number also is to be attended together with the § 1. § 3 says: "Therefore, absolutely no other person, not even a priest may add, remove or change anything in the liturgy on his own authority" (SC. n. 22 §3). The Council is absolutely clear on the authority of the bishop, the local hierarchy, in the Decree on bishops when it speaks about public worship and liturgical formation. In n. 35 § 4 of *Christus Dominus* (or Bishops) the Council Fathers teach us: "All religious, exempt and non exempt are subject to the authority of the local ordinaries in those things which pertain to the public exercise of divine worship (except here differences in rite are concerned)... and liturgical formation" (CD. n. 35 § 4, W. Abbot, pp. 422-23).

Individuals and Liturgy

The implications are clear: liturgy is public worship. It is different from private prayer and worship. While it is true that any prayer and therefore any worship has to be personal and therefore to be interiorized, it is also to be clearly noted that private and public prayer are indeed different. Private or personal (prayer) could be any prayer, spontaneous, *ad libitum*, charismatic, etc. What is important is that in prayer one communes with God in the best way he/she thinks fit.

However, public prayer is different. It is the prayer said in the name of the Church, prayer given by the Church and said by persons deputed for the same by the Church. It has, by its very nature, a public character. Therefore, it has to be uniform in a given eparchy or given Church. That is the reason why the Council is emphatic as to who should regulate the liturgy: "The Holy See and as far as laws may determine, the bishop" (SC. n. 22 § 1).

Many, and even priests among them, do not understand the public character of liturgy. They have not been formed in this. This is the case with the vast majority of the members of the Syro malabar Church. There could be even charismatics among them, retreat preachers among them.—Consequently they add or subtract any prayer, sometimes the most unseemly ones to the official text. They fail to realize, I do not dare to say Ignore, that the regulation of the liturgy is not to be done by them. "No other person, not even a priest" can lay hands on the liturgy, to change it in any way. What is the harm, one might ask, if a well-intentioned priest adds some prayers to the Liturgy for better participation. After all, what is important is better participation, involvement in the celebration.

A casual thought at the consequences that might result if individuals take liturgy into their own hands will make us understand why the Council Fathers are so strong on the question. For, nobody can generally question the good intention of a celebrant. If one priest can add certain prayers, why not another priest add some other prayers and still another one yet some other prayers? The result will be not a liturgy, but pandemonium in the name of liturgical celebration, as has happened in some places. As Father Fleming in his beautiful little book, "Preparing for Liturgy" meaningfully

remarks, liturgy is not something which we create, but something that is given to us, for which we prepare ourselves.

(Preparing for Liturgy, Austin FLEMING, Pastoral Press Washington D C., 1985).

1. Freedom to add or subtract prayers given to individual priests will add to great confusion. Examples are not lacking when prayers resented to by the participating faithful were added by the celebrating priest in the Divine Liturgy with the resulting confusion and scandal.

2. Another unseemly effect is that by such *ex tempore* prayers, there is an attempt, albeit unintended, to make the offering priest the centre of celebration which he is not and should not be. The priest should never be the centre of the Divine Liturgy, Christ should be the centre.

Local hierarchy regulates liturgy

In order to avoid such a situation of confusion in the celebration, it becomes a practical necessity that the local hierarchy regulates the liturgy. The local hierarchy is the father and head of the liturgical community in the eparchy, and they offer the Divine Sacrifice as commanded by the Lord (Mt. 22: 19).

A doubt could naturally arise when different hierarchies of the same Church have different opinions about the celebration of the Eucharistic liturgy, as is the case in the Syro Malabar Church. The bishops lean to interpret the Council Decrees in their favour. The situation becomes very real in institutions such as a Seminary which are exempt and therefore not under the jurisdiction of the local hierarchy. In fact, the question was raised whether, being an exempt institution, during the celebration of Divine Liturgy the commemoration required

should not be a common one for all the bishops since the Seminary is also inter eparchial, or whether it should be of the local hierarchy and if so why.

The St. Thomas Apostolic Seminary Kottayam, is inter eparchial and exempt. As this question had to be solved, then the Rector wrote to the Prefect of the Oriental Congregation for a clarification. The Prefect of the Congregation for the Oriental Churches Cardinal Simon D, Lourdasamy, wrote a reply on 25th March 1987, signed also by the Secretary of the Congregation (therefore official) in which it was said: "As regards your query as to whether the local hierarchy is to be commemorated in the liturgy, it is the mind of the Congregation that not with standing the fact that the Seminary is inter eparchial and exempt, the practice of commemorating the local hierarchy is to be maintained as it is in similar institutions of inter eparchial character within Kerala and elsewhere".

In giving this reply, we must remember that, the Cardinal Prefect of the Oriental Congregation was not giving a new directive, but was only reiterating the power (authority) of the local hierarchy in matters of public worship. He could not do otherwise. If he did, he would have been going against the general principle of liturgy and against the explicit enunciations of the Vatican Council.

The name of the local hierarchy is commemorated not just as a ceremony, or like the commemoration of the dead. The local hierarchy has the authority and the conscience-bound duty to order and regulate the public worship of the worshipping community the people of God, according to the ecclesial patrimony and the directives of the Apostolic See. Liturgy is the centre of the spiritual patrimony of the Church. The Bishops undertake to foster and defend this patrimony

through apostolic succession. The Decree on the Eastern Catholic Churches of the Vatican Council II stipulates that the traditions of the Churches be defended fully (OE.6). The bishop's leadership is to live this patrimony and to share it with others.

What the Documents say

The Decree on Bishops about the authority of the local hierarchy in liturgical matters is not an isolated document, but is corroborated by other decrees and official documents as well. The very same Vatican Decree on Bishops has this: "Therefore bishops are the principal distributors of the mysteries of God, just as they are the promoters and guardians of the entire liturgical life in the Church entrusted to them" (CD. 15). This explication is relevant today in a special way when under the pretext of sharing in the royal priesthood of Christ, even lay people assume the right of manipulating and distorting the Divine Liturgy. The Fathers of the Church teach the same truth enunciated in the Council Decrees. Saint Ignatius of Antioch is foremost among them. "Let nothing be done in the Church without the bishop" (Migne, PG. 5, 676), says the saint. In the Dogmatic Constitution on the Church we read: "Every legitimate celebration of the Eucharist is regulated by the bishop, to whom is committed the office of offering the worship of Christian religion to the Divine Majesty and of administering it, in accordance with the Lord's commandments and with the Church's laws, as further defined by his particular judgement for his diocese" (LG. n. 26). If, therefore, any priest dares to celebrate the Eucharist contrary to the regulation of the local bishop, he is not doing it legitimately. The consequence seems to be very clear. The same Constitution to say that "...bishops have the sacred right and the duty before the Lord to

make laws for their subjects, to pass judgment on them and to moderate everything pertaining to the order of worship and the apostolate" (LG. n. 27). That the bishop is the one on whom liturgical life is centred and that the faithful have to hold in high regard the liturgical life of the eparchy is clear from what is enunciated in the Constitution on Sacred Liturgy: "Therefore all should hold in high esteem the liturgical life of the diocese which centres round the bishop especially in his cathedral church" (SC. n. 41). This is because "the bishop is to be considered the high priest of his flock" (ibidem).

The bishop and the eparchial community form one adoring congregation. The bishop presides over the liturgical community. That is how it should be. "But because it is impossible for the bishop always and everywhere to preside over the whole flock in his Church, he cannot do other than establish lesser groupings of the faithful. Among these, parishes set up locally under a pastor who takes the place of the bishop are the most important" (SC. 42).

The CCEO on the position of the local hierarchy

What has been said in the Council Decrees has been taken up in the codification of laws for the Oriental Churches. In canon n. 199 § 1 of the new Code for the Oriental Churches, we read: "The eparchial bishop as the moderator, promoter and custodian of the whole liturgical life in the eparchy entrusted to him, will be vigilant so that it may be fostered as far as possible and ordered according to the prescriptions and legitimate customs of his proper autonomous Church".

In fact, this canon is a summary of all that we have been saying till

now. We already said how in the Decree on Bishops, the Council Fathers speak of the bishops, almost in the same terms as "the governors, promoters and guardians of the entire liturgical life in the Church committed to them" (CD. 15). Paul VI in the *Motu Proprio* "Sacram Liturgiam" of January 25, 1964 reiterated this idea. In the Latin Code of Canon Law promulgated on January 25, 1983, canon 838 § 1 says: "The ordering and guidance of the sacred liturgy depends solely on the authority of the Church, namely that of the Apostolic See and, as provided by the law, that of the diocesan bishop". Why this insistence on the supreme authority of the Church regulating the liturgy is understood better in the light of canon 837 § 1 of the Latin Code. "Liturgical actions are not private, but are celebrations of the Church itself as the sacrament of unity" that is the holy people united and ordered under the Bishops. Accordingly they concern the whole body of the Church, making it known and influencing it. They affect the individual members of the Church in ways that vary according to orders, role and actual participation". Because liturgical action is not private, but celebration of the Church, the bishop can direct that only persons approved by him offer the Eucharistic celebration. That is why, while speaking about the need to ascertain the probity of the celebrant of the Eucharist (when a priest presents himself for celebration in a church), canon 702 § 2 of CCEO says: "It is upto the eparchial bishop to give more determined norms about this thing (requirements for celebration), to be observed by all priests, even those exempt".

Liturgy and Oriental Churches

The Oriental Churches give great importance to the celebration of the Divine Liturgy (of Eucharistic Sacrifice) in communion with the bishop.

The sense of the divine, the mystic aspect of the Eucharistic celebration are stressed more in these Churches than in the Western Church. The use of the veil at the sanctuary, the incensing of the altar, the respect paid in general to the altar which is considered more as the sepulchre of Our Lord than as the table of celebration – all point to this reality. The commemoration of the local hierarch is very much insisted upon to show the unity of the whole Church with the bishop and the unity of worship. This is brought home to us in a more clear way by the following fact. Sanctions "latae sententiae" are very few in the Oriental Churches. Punishments are given only after hearing the defendant. And yet, canon 1438 of the CCEO has this: "One who intentionally omits the commemoration as prescribed by law, of the hierarch in the Divine Liturgy and in divine praises, if he does not reconsider though legitimately admonished, shall be punished with appropriate penalties not excluding major excommunication".

The canon manifests a very important matter, and it is enunciated clearly. The canon shows how much the Oriental Churches regard the celebration of the Liturgy which is "Sacred action surpassing all others" (SC. 7), "the summit toward which the activity of the Church is directed" and "is the fountain from which all her power flows" (SC. 10). The canon also shows the importance the Oriental Churches give to the need of being united with the bishop in liturgical celebrations. The unity of the Church is to be vindicated through the union of those celebrating the liturgy – whether it be the Eucharist or divine praises – with the bishop. It is not just the jurisdiction of the local hierarch over the community that is established here, but rather the fact that we enunciated in the beginning, namely that

the Church is a worshipping community. There is one Church and therefore one faith and one liturgy. Faith is manifested in the liturgy. That is also the reason why we make the profession of faith daily in the celebration of the Divine Liturgy in the Syro Malabar church.

A few conclusions are to be taken from what we have already said: the faithful have to abide by the directives of the local hierarchy regarding the Eucharistic celebration and the celebration of Divine praises as also the celebration of the different sacraments. The presumption is that the local hierarchs follow the guidance and directives given by the Apostolic See. I believe the Decrees of the Council as well as the Codes of Canon Law—both western and eastern—take it for granted that the local hierarchs follow the directives of the Apostolic See. The difficulty arises when a particular bishop or bishops do not follow the directives given by the Apostolic See. We must say that the presumption is in favour of the local hierarchy, but if there are clear proofs consequent to which a person is thoroughly convinced that the local hierarchy does not follow the directives of the Holy See, I should think that a priest is entitled to follow his formed conscience. The consequences, however, could be bitter. Such an individual could be branded as anti-bishop, whereas actually he is pro ecclesia, for the Church following and obeying the directives of the Holy See. Such a person may be ostracized, reprimanded and even punished. But what justifies a person before God ultimately is his conscience.

A very difficult and strange situation may arise, as than happened in the Syro-Malabar Church, in the matter of liturgy. As it happens in the Syro-Malabar Church in questions related to liturgy. The majority of bishops having had a latin formation and not conversant with oriental

ecclesial traditions is not in agreement with those bishops who would like to preserve and nourish the oriental outlook and characteristics of the Syro-Malabar Church. They may even dare to deny that the Syro Malabar Church is properly oriental. What is a priest to do in such a situation?

A few relevant remarks

I would like to note here one or two relevant points.

1) The Holy See has been, ever since 1934, when the question of a proper Pontifical for the Syro Malabar Church came up, trying to catholicize the Church (Pius XI), and not to latinize it; this, even when our bishops unanimously wanted to get the syriac translation of the latin Pontifical to be approved by the Holy See. This Policy of the Holy See has been consistent, although there seemed to have been hesitations on the part of the Oriental Congregation in 1989, even after giving the Final Judgment on the Eucharistic Liturgy in 1985. Even when there seemed to be hesitations as under Cardinal Lourdasamy in 1989, certain concessions were given as dispensations with the stipulation that they shall not be printed in the Taksa (Missal). However, the hesitations on the part of the Congregation caused big confusion among the faithful and made them think that Final decisions given by the Holy See, after all, are not definitely Final, and that they could be changed according to the likes and dislikes of persons in authority. As Christian Orient rightly remarked in its Editorial, this hesitation and the concessions granted shook the credibility of the Holy See (Christian Orient).

2) When there is difference of opinion on a particular question among the bishops and also among priests and faithful, the only way out of the difficulty is to obey what the Holy See

says. Nobody should say: "What is the Holy See, after all?". The hallmark of a catholic is unqualified obedience to the See of Peter and to Peter's successor. When the contending parties cannot come to a conclusion, the only solution is this. Otherwise the question will continue in "infinitum".

3) Obedience is not an easy virtue. The more highly a person is placed, the more difficult it is for that person to obey. A seminarian, as he comes to the Seminary, will find it comparatively easy to obey his superiors whom he knows are older in age, better in wisdom and experience. It is not so easy for a major seminarian, still less for a priest. As the grades go higher, obedience becomes more difficult.

The procedure to be followed in the situation mentioned above is to be obedient to the Spirit of God which in concrete means obedience to the Holy See. As we indicated above, the presumption to be right is on the part of the hierarchy. However, the convictions of one's conscience are not to be sacrificed before a presumption. A person who thus daringly and prophetically follows his conscience may have to undergo sufferings and hardships for this: he has to be ready for that. Here a situation of conflict between the dictates of one's conscience (well formed) and the directives of the authority ensues. I am convinced that in such a situation, conscience is paramount. However, that is in the realm of conscience, the internal forum.

What is the course of action that has to be followed when there are more than one bishop in a locality, none of whom belongs to one's own autonomous Church? It goes without saying that the hierarchy of one's own church is the local hierarchy as far as any individual in any place is concerned. When there are different bishops, but none of the proper Church,

the local hierarchy will be the one whom the Holy See designates (c. 916 § 5), even if that be of the latin Church. The situation is the same when there is only one bishop in the locality, a latin, but not even an exarchate has been established for the orientals.

Need for Uniformity in every individual Church

Since as we have already said, celebration of the Divine Liturgy is a public act, in one individual Church, there should be only one form of celebration. It is very confusing and contrary to all ecclesial principles when, for whatever reason, there are different liturgies and different liturgical texts in the same individual Church. If the bishops make it a point to make use of only the officially authorized text, this confusion could be reduced to a very great extent. Besides, the bishops should sincerely believe and inculcate in the minds of their priests and faithful that multiple texts and multiple liturgies go against the very genius of a Church and the directives and mind of the Apostolic See. The bishops have a particular obligation to assure unity in their Church which should first be manifested in the uniform way of celebration of the Divine Eucharist that is eminently the sacrament of unity. When a consensus cannot be arrived for assuring unity and for avoiding scandal, the bishops have to do their best to follow scrupulously the directives of the Holy See without reservation. They shall induce and educate the christian community entrusted to them in the ideal way. It should in no way be their intention find excuses to vindicate their position, even flouting the repeated directives of the Holy See, which manifests its mind in different ways, specially by repeated exhortations and instructions. To argue for legitimacy under the pretext of dispensations granted is not a genuine christian attitude. We should not

think how far we can go without violating the law, but rather how better we can love God in the best way possible. Under this consideration, we may even have to forego certain things which may be permitted, but which are not becoming. "Licet, sed non decet", goes the saying. There may not be law which prevents a priest from possessing a Rolls Royce car in India, but it is not becoming in a poor country like India. Dispensation is relaxation to a law given in a particular case. It has not to be made a privilege which by nature is habitual. Dispensation should be made use of as little as possible. Jurists call it a wound inflicted to the law.

Salvation of souls is the supreme law in the Church "*salus animarum suprema lex in ecclesia*". Therefore where dispensations are made use of, those who do so have to seriously consider whether it is conducive to *salus animarum*. The ordinary, normal, thing to do is to abide by the law. The very fact that the law has been given is a presumption that the law-giver thinks that its observance is conducive to the *salus animarum*. For law is the ordainment of reason for the good of the community. On no account should dispensation become law, and law dispensation. When in the liturgy some dispensations have been granted to the Syro Malabar Church the Oriental Congregation was particular to add that these dispensations could be made use of "*ubi et in quantum viget*". It was an outright prohibition to begin practices or make use of dispensations where it is not in use. The presumption, as we have noted earlier, is in favour of the lawgiver.

Let us think of a parish where the parish priest and the assistant celebrate the divine Liturgy in ways completely different one from the other resulting in confusion and scandal to the faithful. This has to be avoided

at all costs, or in other words, there should be uniformity of celebration of the liturgy in the same parish. The practical way to assure this is to abide by the directives of the local hierarchy. It is also to assure this uniformity, among other things, the Council decrees as also the common Code stipulates that the Directives of the local hierarchy be followed in matters of public worship even in exempt institutions. The pastoral problems that otherwise would result could be easily foreseen. That is why in a bulletin of the Archdiocese of Ernakulam it was so written: in July 1989: "...it will be imprudent to reject as unacceptable the text that has come into force on July 3 (1989)... If the priests reject as unacceptable a text which the bishops have prepared united as one body, there will be repercussions in the pastoral field of priests" (editorial quoted, our translation).

Conclusion

In conclusion, I would like to say the following: The Church is a worshipping community. Worship has to be done not only in private, but as a community, in public. This means that the Eucharistic celebration as well as the liturgy of the Hours as also the sacraments have to be publicly enacted by the community. Worship has to be done under the leadership of the local hierarchy who is also the president of the worshipping community. The Church is positive that public worship has to be regulated by the local hierarchy. Even exempt religious are subject to the local hierarchy in the matter of public worship and liturgical formation. Therefore even those exempt from the hierarchy's jurisdiction in other matters are subject to him in the matter of public worship. An inter eparchial exempt seminary comes in this category. It is to show this authority in liturgical worship that the local hierarchy is commemorated in all liturgical services. The

CCEO (Codex Cononum Ecclesiarum Orientalium) goes on to the point of legislating that those who do not deliberately commemorate the local hierarchy in the liturgy, after being warned, could be punished even with major excommunication. The authority of the local bishop does not come from any concession, but is in the nature of things. It is presumed that the local hierarchy is faithful to the teaching of the Holy See which is the ultimate judge in liturgical matters. For whatever reason, when a priest uses *motu proprio* prayers or prohibited prayers in liturgy, he is not in communion with the bishop, he has excommunicated himself. A priest always celebrates validly as long as he has the intention to celebrate according to the mind of Christ and uses those things which the Church prescribes as necessary for validity. But there is a moral validity and a juridical validity. The Eucharist cele-

brated by a validly ordained minister is valid, but if he uses a text for the celebration of the Eucharist, which celebration, by its very nature, as we have said, is public, a text that has been proscribed by the Church, he celebrates invalidly. On December 19, 1985 in issuing the Decree for the promulgation of the Raza text of the Syro Malabar Church, it explicitly said that all other texts have been proscribed. The Decree was in force "quibuscunque non obstantibus" which meant that from that date of 16th December 1985 onwards, celebration of the Eucharistic Liturgy with prohibited texts was juridically invalid – in spite of the fact that some find the expression offensive.

The local hierarchy, the president of the liturgical community entrusted to him, is the bond and symbol of unity and has to be accepted, acknowledged and revered as such.

Joseph Koikakudy

Sacredness of the Canons in the New Oriental Code

The new legislation for the eastern churches, historically unique of this kind, is in force from October 1, 1991, the feast day of the intercession of Mary, Mother of God, celebrated in many of the Oriental churches. This common canonical discipline binds fifteen million catholic orientals grouped in twenty-one individual churches springing from five principal apostolic traditions. Here we make an attempt to trace the sacred character imprinted on the Canons of the new Oriental legislation.

1. A Legislation par excellence in History

The new legislation is the meritorious fruit of an arduous work for about 150 years beginning with the collection of the acts of the Roman Pontiffs, that are pertaining to the *Eastern Churches* published under the title *Bullarium Pontificium*.¹ Being faithful to the apostolic tradition and to the ancient Oriental canonical collections and drawing inspiration

from the directives of the Second Vatican Council the Code enshrines in it a common discipline for the fifteen million Oriental catholics. Accordingly, the 150 million Oriental non-catholics are not bound by it. The eight hundred million Latin Catholics all over the world have their own revised Code of Canon Law promulgated on January 25, 1983.

Systematically arranged in thirty titles, the Oriental Code gives a clear and precise picture of the whole ecclesiastical legislation containing in 1546 canons. The sacred character of the canons does not allow the general norms as such to appear in the outset of the Code as it is in the *Codex Iuris Canonici* (1983) for the latin Church or as in the *Pastor Bonus* (1988) for the entire universal church regarding the reformation of the Roman Curia. Even if these three legislations form a *corpus legum* which complete the internal legislation envisioned by the

1. *Bullarium Pontificium S. C. de Propaganda Fide.*, I ed., Romae 1839-1841. For a brief bibliography regarding the historical development of the codification and revision of the Eastern legislation cf. R. METZ, "La nouvelle codification du Droit de l'Eglise (1952-1983)", *Revue de Droit Canonique* 33 (1983) 155-168; J. FARIS, "The Codification and Revision of Eastern Canon Law", *Studia Canonica* 17 (1983 n. 2) 449-485; M. BROGI, "Codificazione del Diritto Comune delle Chiese Orientali Cattoliche", *Revista Espanola de Derecho Canonico* 45 (1988 n. 124) 7-30; I. ZUZK, "Presentazione del *Codex Canonum Ecclesiarum Orientalium*", *Monitor Ecclesiasticus* 115 (1990, n. 4) 591-612; G. FURST, "Katholisch ist nicht gleich lateinisch", *Herder Korrespondenz* 45 (März 1991) 136-140.

Second Vatican Council, the Oriental legislation thus stands out among all.

2. Sacrum Patrimonium of Oriental Churches

Sincerely speaking, one ought to owe deep debt of gratitude to Cardinal Sincero² for the inscription of the new Oriental legislation, *Codex Canonum Ecclesiarum Orientalium*³ promulgated on October 18, 1990 by Pope John Paul II. In his *votum* submitted to the Code Commission in 1932 Cardinal Sincero proposed the title as *Codex Canonum Ecclesiae Orientalis*.⁴ Positively and objectively it refers to the concrete object of the Code, i. e. the canons and to the living subject—the Oriental churches. It is more in harmony with oriental traditions and reflects the esteem for the holy canons of the Church. The second Canon of the Trullan Council (691/692) is a direct affirmation of this, “It has also seemed good to this holy Council, that the eighty-five canons, received and ratified by the holy and blessed Fathers before us, and also handed down to us in the name of the holy and glorious Apostles should from this time forth remain firm and unshaken

for the cure of souls and the healing of disorders”.⁵ Pope Paul VI in his speech on March 18, 1974 to the members of the Code Commission gathered for the first plenary assembly in the Sistine Chapel in Rome demanded fidelity towards the holy patrimony of the ecclesiastical discipline.⁶

3. Significance of Sacri Canones

The opening words of the constitution promulgating the Oriental Code, *Sacri Canones*, indicates the very character of the Code as a particular expression of the love that Jesus our Lord left us at the last supper, and as *vehiculum caritatis*, the pope said that it should be a useful and efficacious instrument of order in the life of the Church for the good of the souls and thereby the growth of the kingdom of Christ to the greater glory of God.⁷ The sacred law has a life-giving role to the Mystical Body of Christ, the Church. As the human organism has one heart, one body and two lungs to breathe so also the Mystical Body requires two Codes for the internal ordering. In that respect the Oriental Code is essential for the integral growth of the Church.⁸ Moreover the sacred canons have special

2. Cardinal Luigi Sincero was the president of the Pontifical Commission for the redaction of the Oriental Canon Law instituted by Pope Pius IX on June 7, 1935. AAS 27 (1935) 306-308.

3. AAS 82 (1990) 1033-1363.

4. *Nuntia* 29 (1989) 31.

5. English translation taken from *The Nycene and Post-Nycene Fathers* (IIseries), v. 14, *The Seven Ecumenical Councils*, (reprinted May 1988) 361.

6. AAS 66 (1974) 245; *Nuntia* 1 (1975) 5. “Fidelitas erga sacrum hoc ecclesiasticae disciplinae patrimonium effecit, ut, inter tot tantasque vexationes atque res adversas quas orientales Ecclesiae sive antiquis sive recentioribus temporibus perpessae sunt, nihilominus proprius Orientis vultus integer servaretur; quod profecto non sine magno animarum emolumento fieri contigit.”

7. *L'Osservatore Romano* 27 October 1990, p. 5.

8. “... ut ipsa unico Spiritu congregata quasi duobus pulmonibus Orientis et Occidentis respiret atque uno corde quasi duos ventriculos habente in caritate Christi ardeat”, (Apostolic Constitution *Sacri Canones*, AAS 82 (1990) 1037.

significance, as an expression traditionally used in the East, that all the decisions made by the sacred pastors are sacred. This is because they hold the power conferred on them by Christ and it is exercised under the guidance of the Holy Spirit for the well-being of persons in the Church.⁹

4. A Refined Catholic Ecclesiology

As we make a bird's eyeview to canons of the Code we are impressed by the sacred character imprinted on the canons. The ecclesiological vision of the Second Vatican Council underlining canons on the hierarchical structure of the Church opens new vistas to broad catholic theological thinking. Unity in diversity characteristic of the communion of churches manifests a Trinitarian model. The Trinitarian communion admits plurality of persons sharing the same nature.

Thus the New Oriental Code delineates the fundamental structure of the church as *unum et plura* and having the nature as *sui iuris*.¹⁰ The venerable patrimony of these various churches having their origin from the principal apostolic traditions is known in the Code as *rite*.¹¹ This patrimony consists of the Liturgy, theology, spirituality, discipline and having been distinguished by culture and historical vicissitudes of the people.

5. Excellence of Roles in the Mystical Body

The duty of all members incorporated into the Mystical body of Christ through the reception of baptism¹² is to follow Christ the teacher, the supreme example of holiness¹³, and the most eminent law-giver, whether the member be consecrated or any christian faithful. In this respect law fits properly in the mystery of Church. This is true also

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9. From the speech of John Paul II delivered on the occasion of the solemn presentation of the New Code on October 25, 1990 in the twenty-eighth general assembly of the Synod of Bishops. *L' Osservatore Romano* 27 October 1990, p. 5, "Agitur, vere proprieque de *sacris canonibus*, sicut totus Oriens semper eos vocavit non dubia fide natus totum id sacrum esse, quod Sacri Pastores statuunt, potestate fruente a Christo sibi data et Spiritu Sancto ducente exercita, pro bono animarum eorum omnium, qui baptismo sanctificati Ecclesiam efficiunt unam et sanctam."
 10. "Coetus christifidelium hierarchia ad normam iuris iunctus, quem ut sui iuris expresse vel tacite agnoscit suprema Ecclesiae auctoritas, vocatur in hoc Codice Ecclesia sui iuris" (can. 27).
 11. "Ritus est patrimonium liturgicum, theologicum, spirituale et disciplinare cultura ac rerum adiunctis historiae populorum distinctum, quod modo fidei vivendae uniuscuiusque Ecclesiae sui iuris proprio exprimitur" (can. 28 § 1).
 12. "Christifideles sunt, qui per baptismum Christo incorporati in populum Dei sunt constituti atque hac ratione muneris Christi acerdotalis, prophetici et regalis suo modo participes secundum suam cuiusque condicionem ad missionem exercendam vocantur, quam Deus ecclesiae in mundo implendam concredidit" (can. 7 § 1).
 13. "... christifideles Christum, Magistrum et exemplum sanctitatis, sub actione Spiritus Sancti pressius sequentes..." (can. 410).

of all clerics who receive the gift of the Holy Spirit through Sacred ordination and thereby become ministers to the Church to fulfil the mission of Christ the Pastor.¹⁴ Hence is the relevance of the preeminent role of the Supreme Pontiff as *Vicarius Christi atque universae Ecclesiae hic in terris Pastor*¹⁵ and also the Patriarch as *pater et caput*¹⁶ and the Metropolitan of a *sui iuris* church and a Bishop as *Vicarius et legatus Christi*¹⁷ exercising their functions according to the law in the confines of their respective territories¹⁸.

6. New Theological Trends

The mystical and theological perspective followed all throughout in the Code especially in the canons regarding sacraments (232 canons) is genuinely Oriental. Role of the Holy Spirit finds special emphasis. The Code thus ceases to be a mere compendium of juridical abstract norms. As for example the Marital relationship is a mystery of communion¹⁹ effected by the irrevocable personal consent of the bride and bridegroom. This exchange of mutual consent takes place in the context of a sacred rite and is blessed by a priest.

In other words it is a sacramental *celebration* making the partners in marriage worthy of sanctifying grace.²⁰ It is no more a merely contractual agreement effected by the manifestation of consent and received in the name of the Church by a qualified witness as it is stated in the Code of Canon Law of the Latin Church.²¹

7. Dignity of Human Person

As a body of laws governing the practical life of the faithful²² the juridical nature of the Code still remains intact retaining however the sacred character of the juridical norms. It is because the laws always have a purpose of bringing about the tranquillity of order by defining the rights and duties of individuals towards one another and towards society. The fundamental right of the human person and the well-being of the people of God are specially emphasised in the Constitution with which John Paul II promulgated the new Code.²³ As for example canon 23 strictly prohibits injuring the good name of a person or violating his privacy illegitimately. If one however brought about a serious injury through calumny he is bound

14. "Clerici, qui etiam ministri sacri vocantur, sunt christifideles, qui ab auctoritate competenti ecclesiastica electi per donum Spiritus sancti in sacra ordinatione receptum deputantur, ut in Christi Pastoris missione et potestate partem habentes Ecclesiae sint ministri" (can. 323 § 1).
15. Can. 43.
16. Can. 55.
17. Can. 178.
18. Can. 78 § 2; 157 § 2; 191 § 1.
19. Can. 776 § 1.
20. "Sacer hic censetur ritus ipso interventu sacerdotis assistantis et benedictis" (can. 828 § 2).
21. "Assistens matrimonio intellegitur tantum qui praesens exquirat manifestationem contrahentium consensus eamque nomine Ecclesiae recipit" (CIC 1108 § 2).
22. *Nuntia* 3 (1976) 20.
23. "Etenim Codex hic tuetur ipsum fundamentale personae humanae ius...ut Ecclesiae orientales studiosa disciplina bono animarum christifidelium optime consulant", *AAS* 82 (1990) 1035, 1044.

to make appropriate remedy. In case he refused to do so he shall be punished by minor excommunication or suspension.²⁴

The function of the Church in the world is to be an efficacious sign of God's plan of salvation to all. From this perspective the medicinal character of the penalties in the Code comes to the limelight.²⁵ Automatic penalties have no place in the Code. Positively, as the healing function rather than condemnatory, the penal justice in the Church is animated by love and tempered by equity. What is important is to imbibe the spirit of the law rather than to hold blindly on the rigour contained in the letter. The famous Greek philosopher Celsus (II c. A. D.) would say: "scire leges non est verba earum tenere, sed vim et potestatem."

8. Service to the Sacred Canons

It is to be noted that in the apostolic constitution *Pastor Bonus*²⁶ the dicasteries of the Roman Curia are no more characterised as *sacred*.²⁷ To be concrete, the dicastery in charge of the affairs of the Oriental Churches was a Sacred Congregation of the Oriental Churches. But now it is simply the congregation of the Oriental Churches. This is because the dicasteries are meant to assist the Roman Pontiff in the exercise of his supreme

pastoral office for the good and service of the universal and particular churches in order to reinforce the unity of faith and communion of the people of God and also to promote the mission of the Church in the world. In other words their role is the service to the Holy Canons of the Catholic Church. As Cicero (B. C 106-A. D. 43) says: "servi legum sumus ut liberi esse possimus." We are only servants of the sacred laws. It is noteworthy that the jurisprudential interpretation and application of the sacred canons was a prestigious job of the high Apostolic tribunal of the Holy See, which was known as *Sacra Romana Rota*. With *Pastor Bonus* the sacredness of their prestigious job still continues though deprived of a *sacred* title.

Conclusion

In Greek the word *canon* means a rod, rule or measure. The function of a rod is more positive, as legislated in the Trullan council, the canons of the church are meant for the cure of souls and the healing of disorders. "Serva ordinem, ordo servabit te." In the structure of canon one finds tranquillity, peace and well-being. Soaked in mystical elements and ordained by human reason the Oriental canons serve the purpose *gratia perficit naturam*.

Varghese Palathingal.

24. Can. 1452.

25. "Cum omnem rationem init Deus, ut errantem ovem reducat. illi, qui ab Eo solvendi et ligandi potestatem acceperunt, morbo eorum, qui deliquerunt, convenientem medicinam afferant..." (can. 1401).

26. AAS 80 (1988) 841-934. On June 28, 1988 the pope signed it and it took effect from March 1, 1989.

27. In the Apostolic Constitution *Regimini Ecclesiae Universae* published in AAS 59 (1967) 885-928 and taken effect from March 1, 1968, the dicasteries were characterised as *sacred*.

Book Reviews

Kanon: *Kriche und Staat im christlichen Osten/Church and State in the Christian East* [=Yearbook of the Society for the Law of the Oriental Churches, vol. X], Wien: Verlag des Verbandes der wissenschaftlichen Gesellschaften Oesterreichs [VWGOe-Verlag, Lindengasse 37, 1070 Wien (Austria)], 1991, 251 pp., ppb. 396 Austrian S or 60 DM.

This volume contains the papers of the 8th Congress of the Society for the Law of the Oriental Churches held from September 17 to 24, 1989, at Kavala in Greece. Twelve canonists read their papers in the presence of 60 colleagues of different Christian denominations coming from Europe, Asia and Australia. Particular attention was given to the State-Church relationship in the Byzantine Empire of old and modern Greece (Metropolitan Panteleimon Rodopoulos, Constantin G. Pitsakas, Spiridon N. Troianos, Metropolitan Procopios of Philippi, Anastasios N. Marinos) as well as in the Middle East where Christianity is living in a minority situation in face of Islam (Vittorio Parlato Martin Forstner, Joseph Habbi, Josef Prader). Raffaele Coppola presented the Italian concordat as a model of other modern concordats, while Carlos Corral treated on the present concordats and other conventions between the Roman Catholic Church and various States. Although announced in the introduction as "The Oriental Churches in India before the Secular State", George Nedungatt dealt with the topic "Christian Churches and the Secular State in India" without giving particular consideration to the Churches of oriental tradition. As he mentions in the first footnote, he is basing himself on a paper elaborated by Justice George Vadakel who himself could not attend the congress. The paper "Church and State Relations in Russia until 1917" by Stefan Dymysa and Vladislav Tspín seems to have not reached the editors in time and is therefore not reprinted in this volume.

J. Madey

Michael Kunzler, *Wir haben das wahre Licht gesehen: Einführung in Geist und Gestalt der byzantinischen Liturgie.* Trier: Paulinus-Verlag, 1991, 336 pp., DM 39, 80.

This is a most welcome book which the author dedicates to Kyr Platon Kornyljak, the Ukrainian Catholic bishop in charge of the Ukrainian Catholics in Germany and the Scandinavian countries. It is written in a very appealing style. The reader has got the impression that the author is directly speaking to him. In this way, the author has succeeded in reaching his aim not to teach, but rather share his own experience with his readers. As a deacon of the Roman Catholic diocese of Trier, Germany, he made his diaconate at the Ukrainian Byzantine cathedral in Munich, and after ordination to the presbyterate, he obtained the faculty to celebrate in both the Roman and Byzantine

rites. At present, he is professor of liturgy at the Theological Faculty of Paderborn, Germany.

Of course the addressees of this "Introduction into the spirit and structure of the Byzantine liturgy" are, in the first line, Roman Catholics who have got a taste of oriental worship, but it is certainly also meant for those oriental Christians who were brought up in the western milieu and have lost their contact with their Mother Church. Therefore it should get, inspite of its rather high price, a wide readership.

After a short introduction, Fr Kunzler explains the reasons why the eucharistic celebration is called *Divine Liturgy* in the Christian East. Chapter two is concentrating on the church as the "place of a sublime drama". In the chapter that follows: "You should use your body for the glory of God" (1 Cor 6: 20), he explains the gestures and bodily positions of the Byzantine rite, and in chapter four: "You have all clothed yourself in Christ" (Gal 3: 27) the sacred vestments. "In this they are to do exactly as I have directed you" (Ex 31: 11) is the headline of chapter five explaining the holy vessels and instruments. The three chapters that follow explain the three parts of the Divine Liturgy: proskomidy, i. e. preparation of the gifts liturgy of the catechumens: liturgy of the faithful. The text is well illustrated either by paintings or photographs taken at the Byzantine chapel of St. Andrew's Convent of Altenbeken. Chapter 10 is dedicated to the liturgical year, as it is celebrated by the churches following the Byzantine *typicon*, and in the last chapter suggestions are made to prepare an "Oriental day" in Roman Catholic parishes and institutions. The appendix contains, on parallel columns, the German and Ukrainian texts of the "Holy and Divine Liturgy of our Father among the Saints John Chrysostom". Christians of the Syro-Antiochean liturgical tradition will find, in this work, many affinities with their own liturgy. Resuming our judgment, we can say with no reservations whatsoever that this is an exemplary work which should be imitated by scholars of other oriental ecclesial traditions.

John Madey

Ronald G. Roberson, *The Eastern Christian Churches: A Brief Survey (Revised 3rd edition)*. Rome: Pont. Institutum Studiorum Orientalium, 1990, 129 pp., n.p.

This booklet dedicated by the author who belongs to the staff of the Pontifical Counsel for Christian Unity, to Cardinal Willebrands gives those interested in eastern christianity and its different traditions the possibility to get a first information. Its aim is to inspire the student to further reading. Written in view of the English-speaking world, consideration is given to the spread of the eastern churches in their countries of origin as well as in North America, great Britain and Australia. The book itself is divided into four chapters three of which dealing with the churches which are not (yet) in communion with Rome: I. The Assyrian Church of the East II. The Oriental Orthodox Churches, III. The Orthodox Church (i. e. the Churches having in common the Byzantine rite). In the last chapter, the autocephalous churches, the autonomous churches the non-Greek churches under Constantinople (thus enjoying canonical status), and the "irregular" churches (claiming for themselves autocephaly but are not recognized as churches by the "canonical" churches) are described. After these three chapters follow 38 pages devoted to the eastern

Catholic Churches who are in full communion with the Church of Rome. This part deals with churches (a) with no counterpart (the Maronite Church and the Italo-Albanian Church), (b) from the Assyrian Church of the East (Chaldean and Syro-Malabar churches), (c) from Oriental Orthodox Churches, (d) from the Orthodox Church (Byzantine rite). This nomenclature is, of course, only approximately exact, as the Italo-Albanian Church certainly belongs to the Byzantine-rite churches, too. The book is concluded by a bibliography containing the major works consulted and such English works which could be helpful for further reading, and an index. There are still some more inexactitudes which, however, do not affect the worth of this publication whose aim is to be a key to rather a complex reality.

John Madey

Victor J. Pospishil, *Eastern Catholic Marriage Law: according to the Code of Canons of the Eastern Churches*. Brooklyn, Ny: Saint Maron Publications, 1991, 532 pp., n. p.

On October 18, 1990, Pope John Paul II promulgated the *Code of Canons of the Oriental Churches* which will get force of law in the course of 1991. The author who belongs to the Ukrainian Catholic clergy in the United States, has the ecclesiastical rank of Archimandrite received from Patriarchs Josyf of the Ukrainian and Maximos V of the Melkite Churches for his life-long services rendered to the Catholic Oriental Churches in America and elsewhere. He has extensively written on eastern canon law and also published a commentary on Vatican II's decree on the Oriental Catholic Churches. So he took up the responsibility to comment on the marriage law of the new common code for Oriental Catholics, and Archbishop Mar Francis M. Zayek, Bishop of Saint Maron [Brooklyn, New York], prefaced it warmly. As in all his previous works, Archimandrite Victor's concern is to give the student of theology as well as the pastor a practical help for his daily work. The first part of this work offers a general introduction, compares the Code of Canons of the Eastern Churches with the Roman Catholic Code of Canon Law (CIC), speaks on the study of eastern marriage law and gives the necessary bibliography, defines the concept of *Church = Ecclesia sui iuris* in the chapter "Church and Churches", describes what eastern and western churches are, deals with the system of marriage law and with marriage in humanity and christianity. Part Two is concerned with marriage in the new *Code of Canons* (cc. 776-866). Dr. Pospishil's comment is divided in eleven chapters, following strictly the contents of the code: Introductory norms on marriage; marriage law for Catholics and non-Catholics; Pre-nuptial preparation; Impediments in general; Dispensation from Impediments; Impediments in particular; Mixed or interfaith marriages; Marriage consent; Form of celebration of marriage; Convalidation of marriage; Separation of spouses. Four chapters are added as appendices dealing with practical pastoral questions: How to deal with broken marriages? Declaration of nullity of marriages - The Annulment Procedure - A Church resurrected from the catacombs and the problem of invalid marriages (particularly relevant for some Eastern Catholic Churches in eastern Europe). We very cordially recommend this work whose author has acquired, in more than 50 years of priestly service, a wide experience as pastor, vicar general (syncellus), judicial vicar, professor, lecturer and writer. It should be as well on the desk of the bishops, the judicial vicars, the parish priests as in the libraries of theological schools.

John Madey

Walter Selb, *Orientalisches Kirchenrecht, Band II: Die Geschichte des Kirchenrechts der Westsyrier (von den Anfängen bis zur Mongolenzeit* (= Oesterreichische Akademie der Wissenschaften. Philosophisch-Historische Klasse. Veröffentlichungen der Kommission für Antike Rechtsgeschichte, No. 6). Wien: Verlag der Oesterreichischen Akademie der Wissenschaften, 1990, 390 pp. + 1 geographical map, Austrian S 560,00; DM 80,00.

Walter Sleb (Ed.), *Sententiae Syriacae: Eingeleitet, herausgegeben, deutsch übersetzt, mit einem syrischen und griechischen Glossar versehen und kommentiert* (= *ibid.* No. 7), *ibid.* 1990, 220 pp, Austrian S 630,00; DM 90,00.

After having published a volume dedicated to the history of canon law in the "Nestorian" church in 1981, Professor Selb of the university of Vienna (Austria) is making here the great attempt to present the history of the canonical development in the West-Syrian ("Jacobite") Church from the beginnings to the Mongolic era. He is limiting his work to that period, as he is of opinion that thereafter there is no considerable development of canon law in this church any more. The first 70 pages are filled by preliminaries: contents (in German, English, and French), general list of abbreviations, indices of literature and sources cited in abbreviated form, of manuscripts, of persons and localities. The first main part is entitled "Introduction and sources" and covers 100 pages which certainly are of interest for the historian of law, but less for the student who would like to use this work for reference. The historian gets all pertinent information about the *milieu* in which the West Syrian Church took shape, the sources of its canon law, the history of the great *Synodicon's* composition, the collection of Bar 'Ebraya, Dionysios Bar Sa'ibis's collection of penitential canons, monographs of legal content written by different authors, collections of monks which certainly have relevance to modern canon law for religious institutes, extrajudicial sources. The second part, entitled "Institutions", will be for the modern student more relevant, although he never must forget that the author's interest is that of a historian of law. In this part, we are given a description of the rise of the West Syrian church in opposition to the dominating Church of the Roman Empire which adhered to the council of Chalcedon and was eventually called "Melkite" (i. e. royalist). The author then deals with the territorial organization, other Christians in the same territory, the general synod, the patriarch, the *mafryōnō* ("maphrejānā"), bishop and metropolitan, the diocesan clergy, ecclesiastical revenues and property, marriage law, monastic law, discipline of penance, attitude towards heretics, relationship between Church and State, finally the doctrine of legal sources. A time-table and an index conclude this valuable work. It may be hoped that, in the course of time, the history of canon law in the other ancient churches will become the subject of research, too.

For the historian of oriental law, also the second work under review, the *Sententiae Syriacae*, will be of much interest. Dr. Selb, with the consultation of Dr. Kaufhold, edited and commented it thus opening to many the way of life of Christian families in Syria at the time before emperor Justinian. In the introduction, we are informed about different manuscripts existing still at the Vatican Library and other Syrian Orthodox libraries, e. g. in that of the patriarchate in Damascus. This work is essentially Roman law translated into Syriac via Greek. For both the publications compliments are due to the director of the Institute for Roman Law at the University of Vienna as well

as to the Austrian Academy of Sciences and its "Funds for Fostering Scientific Research" (Fonds zur Förderung der wissenschaftlichen Forschung).

John Madey

Henryk Paprocki, *La Promesse du Pere: L'expérience du Saint-Esprit dans l'Eglise orthodoxe* (= *Theologies*). Paris: Les Editions du Cerf, 1990, 151 pp., n. p.

In 1971, Dr. Emmanuel Pataq Siman OP, a West Syrian theologian published his masterly work *L'Expérience de l'Esprit par l'Eglise d'après la tradition syrienne d'Antioche*. Now, a Polish priest, professor at the Orthodox Theological Seminary of Warsaw, who got his theological formation at the Catholic University of Lublin (Poland) and the St. Sergius Orthodox Theological Institute in Paris, attempts to present the same reality from the point of view of a theologian belonging to the Byzantine liturgical tradition. The bibliography proves that the author knows the pertinent literature. His book contains besides the introduction and the conclusion, three parts each having three chapters.— His point of departure is the presentation of the biblical foundations of pneumatology. In the first part he deals with pentecost according to Saint Luke and the iconography, then according to St. John to meditate, at last, on the Holy spirit as a person. The second part concentrates on the topic of the "Acquisition of the Holy Spirit". The author divides this part into three chapters: 1. The Holy Spirit as the realized Kingdom of God, 2. The Holy Spirit and the reality of the Resurrection, 3. The Holy Spirit in the doctrine of Gregory Palamas. The third part of his book takes up the sub-title: "The Experience of the Holy spirit". It describes the Holy Spirit's presence in the Church, in the sacraments of the Church and as the artisan of the unity of the people of God. The book can render high service to the ecumenical dialogue and is complementary to that of Dr. Siman quoted above; this is why it is warmly recommended.

John Madey

News

Patriarch Dimitrios I dies in Istanbul

His Holiness Dimitrios I, the archbishop of Constantinople and the Ecumenical Patriarch died of heart attack in Istanbul. He was 77. He succeeded Patriarch Athenagoras in 1972 as the spiritual leader of more than 250,000 Orthodox Christians. Born in Istanbul, ordained in 1942 he served as auxiliary bishop to late Patriarch Athenagoras and was elected as the 269th Patriarch of Constantinople.

On October 22, 1991, Metropolitan Bartholomaios Archondonis of Chalcedon was elected in the Synod at Phanar to succeed the late Patriarch. The Patriarch elect is 51 years and was born in Imbros, a Turkish Island.

M. S. T. celebrates its Silver Jubilee

The Missionary Society of St. Thomas the Apostle (M. S. T.) celebrates its Silver Jubilee this year. This Missionary Society which is a Society of Secular priests was founded by late Mar Sebastian Vayalil, bishop of Palai, on behalf of the Syro- Malabar Hierarchy. His Eminence Maximillian Card. De Fürstenberg, Prefect of the Cong. for Oriental Churches, solemnly inaugurated it on 22.2.1968 at Deepti Bhava, Melampara near Bharananganam in Palai Diocese. The purpose of founding the Society was to use the vocations of this apostolic church to evangelise the non-christian regions of India without becoming latins. The diocese of Ujjain, the mission centres at Mandya and Sangli are the main centres of its apostolate besides other centres in India. At present it has 170 priests and 180 seminarians.

The Jubilee year was inaugurated by His Eminence Antony Cardinal Padiyara, archbishop of Ernakulam, on 22.2.1992 at Deepti Bhavan. The main address was given by His Grace Mar Joseph Powathil, archbishop of Changanacherry. Several Hierarchs felicitated on the occasion.

New General Council for O. I. C.

The new General Council of O. I. C. (Order of Imitation of Christ) has been elected on 19.2.1992 at the Generalate at Kottayam, India. Fr. Jerome O. I. C. is the Superior General who succeeds late Fr. Louis Moolaveettil O. I. C. who was murdered at Nagpur, India. The Councilors are: Frs. George Thomas O. I. C., John Bosco O. I. C. Santhosh O. I. C. and John Vianney O. I. C., Fr. Daniel O. I. C. is the Procurator General and Fr. Chrysostom the secretary general. This is an indigenous congregation of the Syro-Malankara Catholic Church.

IN MEMORIAM

Very Reverend Father Louis O I C whose life was tragically cut short on 17th September 1991 by the bullet of a dacoit in Nagpur deserves our devotion and admiration. Fr. Louis died when he was serving the Church and his Congregation as the Superior General. He was 56 years old when he died. The very fact that he was the Superior General, the highest position of administration and service in the Congregation manifests clearly the qualities of mind and heart with which Fr. Louis was endowed. In fact he was a Doctor from the Pontifical Oriental Institute in Rome where he had specialized in the spirituality of the veteran ecumenist and Founder of the Syro Malankara Church, Mar Ivanios of Bethany. He has since published his doctoral dissertation in book form entitled: The Spiritual Life of Mar Ivanios. Fr. Louis has also other books to his credit. The Spiritual Life of the Malankara Church, Religious Life in the Syro Malankara Church, Beauty of the House, Malankara Catholic Church are his works which manifest him not only as an authority on the spirituality of his Church, but also as one who genuinely and disinterestedly loves his Church.

Fr. Louis never sought after honour and glory. As a good religious, he knew that honour and glory are ephemeral, that what counts is one's love for the Lord. When he did not want honours, they went after him. When he was the Superior General, he wanted to be relieved, to be free and move about as an ordinary religious. He was waiting for the next General Chapter to realize this desire. But whether he would have been successful is another matter. Unostentatiously, but tenaciously, he has done yeomen service for the Congregation. During his tenure of office houses were newly opened. The Congregation of the Order of Imitation of Christ has at present 99 professed members, 8 novices and 36 Minor Seminarians.

He was a professor from 1973 at the Paurastya Vidyapitham. There he was also Registrar of the Faculty, Dean of the Malankara seminarians. He was also professor at the Malankara Major Seminary and the Pune OIC Extension Centre. Although with his election as the Superior General he had to discontinue as a regular professor, even when he died he was a visiting professor of the Paurastya Vidyapitham Vadavathoor, Kottayam. The seminarians and his companions, professors remember his simplicity and endearing ways. He was a companion to all. He never used to make an endeavour to impress other people with his intellectual abilities or other qualities.

Fr. Louis used to enjoy the simple things of life. An ice cream, a cards'play or a good joke made him laugh heartily. He was never melancholic or complaining. He had a ready wit and a ready smile which endeared him to those who approached him. I have never seen

Fr. Louis angry: he could keep his calm and equanimity in any situation. Nothing could disturb him unnecessarily. Only a man of deep convictions and equally deep confidence in God can keep his tranquillity thus in all circumstances.

Fr. Louis was a man who loved his Church. He was conscious of his oriental identity, and contrary to many so-called moderns, was proud of it. Today the term oriental is allergic to many whereas even the Supreme Authority of the Church inculcates the principle that the Church should begin to learn to breathe with its two lungs, the eastern and the western. The St. Thomas Christians of India have many admirable qualities and traditions which are the patrimony of the whole Church of God. Fr. Louis had an insight into these and he not only used to appreciate these traditions, but being legitimately proud of them, made others know them in his different ways. He was convinced that to be truly oriental, we have to shed many individual pietistic practices, think and act as orientals, deepen our studies and our convictions about our Churches, love the Church and try to be devout sons and daughters of the Church.

Fr. Louis' untimely death has been a severe blow to his Congregation, to his Church and therefore to the Catholic Church in general. In him we have lost a good man, a holy priest, a humanist, an understanding professor, a devout religious, a paternal superior, and above all, a man of God.

Fr. Joseph Koikakudy.

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